



TOWN OF SURFSIDE, FLORIDA
Town Commission Meeting
9293 Harding Avenue
Surfside, FL 33154
Tuesday, June 12, 2007
7:00 p.m.

Mayor Charles W. Burkett
Vice Mayor Howard S. Weinberg
Commissioner Mark Blumstein
Commissioner Marc Imberman
Commissioner Steve Levine

Town Manager W. D. Higginbotham, Jr.
Town Attorney Lynn M. Dannheisser
Town Clerk Beatris M. Arguelles, CMC

AGENDA

1. OPENING:

1.A. CALL TO ORDER/ROLL CALL OF MEMBERS:

1.B PLEDGE OF ALLEGIANCE/INVOCATION:

1.C ORDER OF BUSINESS: (Additions/Deletions/Amendments/Deferrals)

1.D. APPROVAL OF THE MINUTES:

1.D.1 April 12, 2007 (including April 23, 2007 continuation) **[TAB 1D1]**

1.E. SPECIAL PRESENTATIONS:

1.E.1. Proclamation for Clark Doug Burris day,

1.E.2. Exemplary Student Award – Nautilus Middle School – Joseph Coto

1.E.3 . Exemplary Student Award – Ruth K. Broad Bay Harbor Elementary School – Gabriel Coto

2. QUASI-JUDICIAL ITEMS: None

3. PUBLIC HEARINGS:

3.A. ORDINANCES – SECOND READING AND PUBLIC HEARINGS:

3.A.1 RLUIPA (Places of Public Assembly) Ordinance [TAB 3A1]

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN CODE BY AMENDING CHAPTER 90, ARTICLE I “IN GENERAL” SECTION 90-2 “DEFINITIONS” TO PROVIDE DEFINITIONS OF “COMMON AREA” AND “PLACE OF PUBLIC ASSEMBLY”; AMENDING ARTICLE II “ADMINISTRATION AND ENFORCEMENT” SECTION 90-41 “CONDITIONAL USES” TO PROVIDE THAT CHURCHES AND

SYNAGOGUES SHALL NOT BE CONSIDERED CONDITIONAL USES; AMENDING ARTICLE IV "DISTRICT REGULATIONS", SECTION 90-147 "RD-1 TWO FAMILY RESIDENTIAL DISTRICT" TO PROVIDE THAT CHURCHES AND SYNAGOGUES SHALL NOT BE CONSIDERED CONDITIONAL USES; AMENDING ARTICLE IV "DISTRICT REGULATIONS", SECTION 90-149 "RM-1 MULTI-FAMILY RESIDENTIAL DISTRICT" TO AMEND PROVISIONS RELATED TO CONDITIONAL USES; AMENDING ARTICLE IV "DISTRICT REGULATIONS", SECTION 90-151 "RT-1 TOURIST DISTRICT" TO AMEND PROVISIONS RELATED TO PERMITTED AND CONDITIONAL USES; AMENDING ARTICLE IV "DISTRICT REGULATIONS", SECTION 90-152 "B-1 BUSINESS DISTRICT" TO PROVIDE THAT PLACES OF PUBLIC ASSEMBLY SHALL BE PERMITTED WITHIN THE B-1 BUSINESS DISTRICT ONLY ON SECOND FLOORS AND HIGHER; AMENDING ARTICLE V "SUPPLEMENTARY REGULATIONS", DIVISION 3 "OFF-STREET PARKING", SECTION 90-226 "OFF-STREET PARKING REQUIREMENTS" TO PROVIDE CONSISTENT OFF-STREET PARKING REQUIREMENTS FOR PLACES OF PUBLIC ASSEMBLY; AMENDING DIVISION 3 "OFF-STREET PARKING", SECTION 90-226 "OFF-STREET PARKING REQUIREMENTS" TO PROVIDE CONSISTENT OFF-STREET PARKING REQUIREMENTS FOR PLACES OF PUBLIC ASSEMBLY; AMENDING DIVISION 3 "OFF-STREET PARKING", SECTION 90-227 "INTERPRETATION OF THESE REQUIREMENTS" IN ORDER TO PROVIDE ADDITIONAL STANDARDS FOR CONSIDERATION OF A VARIANCE FROM PARKING REQUIREMENTS REQUESTED BY A PLACE OF PUBLIC ASSEMBLY; AMENDING ARTICLE V "SUPPLEMENTARY REGULATIONS", DIVISION 5 "PLACES OF PUBLIC ASSEMBLY", TO PROVIDE FOR ESTABLISHMENT OF SECTION 90-245 "LOCATIONAL REQUIREMENTS FOR PLACES OF PUBLIC ASSEMBLY" TO PROVIDE THAT PLACES OF PUBLIC ASSEMBLY SHALL BE PERMITTED WITHIN THE AREA DEPICTED ON THE LOCATIONAL MAP PROVIDED IN THIS SECTION; AMENDING ARTICLE V "SUPPLEMENTARY REGULATIONS", DIVISION 5 "PLACES OF PUBLIC ASSEMBLY", TO PROVIDE FOR ESTABLISHMENT OF SECTION 90-246 "NO-FEE OPERATIONAL LICENSING OF NOT-FOR-PROFIT PLACES OF PUBLIC ASSEMBLY" TO PROVIDE FOR A LICENSING MECHANISM FOR PLACES OF PUBLIC ASSEMBLY; AMENDING ARTICLE V "SUPPLEMENTARY REGULATIONS", DIVISION 5 "PLACES OF PUBLIC ASSEMBLY", TO PROVIDE FOR ESTABLISHMENT OF SECTION 90-247 "HOME-BASED AND COMMON-AREA BASED ASSEMBLY USES" IN ORDER TO PROVIDE FOR REGULATION OF HOME-BASED PLACES OF PUBLIC ASSEMBLY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

3.A.2 Garage Door Ordinance [TAB 3A2]

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, ARTICLE IV “DISTRICT REGULATIONS”, SECTION 90-145 “RS SINGLE-FAMILY RESIDENTIAL DISTRICT” AND SECTION 90-146 “RS-1 AND RS-2 SINGLE FAMILY RESIDENTIAL DISTRICTS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

3.A.3 Modification of B-1 District - Fitness Studio Regulation [TAB 3A3]

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, ARTICLE IV “DISTRICT REGULATIONS”, SECTION 90-152 “B-1 BUSINESS DISTRICT” TO ALLOW HEALTH STUDIOS, HEALTH CLUBS, OR REDUCING SALONS TO BE OPERATED AS PERMITTED USES ON THE FIRST FLOOR LEVEL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

3.A.4 Certificate of Use Ordinance [TAB 3A4]

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CREATING DIVISION 6 “CERTIFICATE OF USE” OF ARTICLE II “ADMINISTRATION AND COMPLIANCE” OF DIVISION 90 “ZONING”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

4. ORDINANCES – FIRST READING

4.A.1 Personnel Appeals Board Rules of Procedure [TAB 4A1]

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 2 “ADMINISTRATION”, ARTICLE IV “OFFICERS AND EMPLOYEES” OF THE CODE OF THE TOWN OF SURFSIDE BY ADOPTING A NEW SECTION 2-151 “PERSONNEL APPEALS BOARD RULES OF PROCEDURE,”; PROVIDING FOR “SEVERABILITY”; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

5. GOOD AND WELFARE:

6. RESOLUTIONS:

6.A.1 Police Confiscation Fund Expenditure - \$5,000 Taser Accessories [TAB 6A1]

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2006/2007 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF FIVE THOUSAND DOLLARS (\$5,000) TO BE FUNDED BY PROCEEDS OF CONFISCATED FUNDS.

6.A.2 Police Confiscation Fund Expenditure - \$6,000 Citizens Police Academy Summer and Fall Sessions [TAB 6A2]

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2006/2007 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF SIX THOUSAND DOLLARS (\$6,000) TO BE FUNDED BY PROCEEDS OF CONFISCATED FUNDS.

6.A.3 Appointment to fill vacancy on the Planning and Zoning Board left by resignation of James MacKenzie [TAB 6A3]

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPOINTING _____ TO SERVE ON THE PLANNING AND ZONING BOARD SEAT NUMBER ONE UNTIL THE NEXT GENERAL ELECTION, DUE TO THE RESIGNATION OF THE CURRENT MEMBER FOR THIS SEAT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE

6.A.4 Withdrawal from Miami-Dade Fire and Rescue Service: [TAB 6A4]

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, TO WITHDRAW FROM THE MIAMI-DADE FIRE AND RESCUE SERVICE DISTRICT; TO ESTABLISH A TOWN FIRE DEPARTMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

7. REPORTS:

7.A. COMMISSION REPORTS:

7.B. COMMITTEE REPORTS:

7.B.1 AUDIT COMMITTEE

7.B.2 COMMUNITY CENTER COMMITTEE

7.B.2.A Architectural Services

7.B.3 EDUCATION COMMITTEE

7.B.4 PARKS AND RECREATION COMMITTEE

7.B.5 PLANNING AND ZONING BOARD

7.B.6 TOURIST BUREAU

7.C TOWN MANAGER’S REPORT:

7.C.1 SURFSIDE CRIME STATISTICS

7.C.2 SEWER/STORMWATER IMPROVEMENTS [TAB 7C2]

7.C.3. SURVEY OF STREET ENDS FOR BEACH PATH [TAB 7C3]

7.C.4 HISTORICAL STRUCTURES SURVEY [TAB 7C4]

**7.C.5 GENERAL CONSULTING ENGINEERING, PLANNING,
BUILDING AND CODE COMPLIANCE SERVICES [TAB7C5]**

7.C.6 OTHER ITEMS

7.D TOWN ATTORNEY’S REPORT:

8. DISCUSSION ITEMS:

8.A MAYOR BURKETT:

8.A.1 DREAM ACT

8.A.2 COLLINS AND HARDING CORRIDOR– Building Moratorium to
preserve low density height and small town character

8.A.3 CODE RED WARNING SYSTEM [TAB 8A3]

8.A.4 MIAMI BEACH FIRE RESCUE

8.B COMMISSIONERS:

8.B.1 COMMISSIONER BLUMSTEIN:

8.B.2.A Public Workshop on Fire Rescue Services

8.B.2.B Appointments to the Green Committee

8.B.2.C Appointments to the Welcome Wagon Committee

8.B.2.D Public/private partnerships for town economic development

8.B.2.E Traffic calming alternatives in the Business District

8.B.2.F Creation of a Town Budget/Finance Review Committee

8.B.2 COMMISSIONER IMBERMAN:

8.B.2.A Addition of business district news section to gazette

9 MAYOR'S ROUNDTABLE:

10. ADJOURNMENT:

▪ THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936.

▪ IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

▪ AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov

▪ TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY attend AT THIS MEETING.

▪ THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION. A

Item 1.D.1

APPROVAL OF MINUTES

1.D.1 – April 12, 2007, including April 23, 2007 continuation



TOWN OF SURFSIDE, FLORIDA
Town Commission Meeting
9293 Harding Avenue
Surfside, FL 33154
Tuesday, April 10, 2007
7:00 p.m.

Mayor Charles W. Burkett
Vice Mayor Howard S. Weinberg
Commissioner Mark Blumstein
Commissioner Steve Levine
Commissioner Marc Imberman

Town Manager W. D. Higginbotham, Jr.
Town Attorney Lynn M. Dannheisser
Town Clerk Beatris M. Arguelles, CMC

MINUTES

On Tuesday, April 10, 2007, at 7:00 p.m., the Town of Surfside Commission met in regular Session in the Commission Chambers at Town Hall at 9293 Harding Avenue.

1. CALL TO ORDER/ROLL CALL OF MEMBERS: Mayor Charles W. Burkett called the meeting to order. In addition to the Mayor, the following Commissioners were present at roll call: Vice Mayor Howard Weinberg, Commissioner Marc Imberman and Commissioner Steve Levine. Also present were Town Manager W.D. Higginbotham, Town Attorney Lynn Dannheisser, Police Chief Dave Allen and Town Clerk Beatris M. Arguelles. Commissioner Mark Blumstein arrived shortly following the pledge,

2. PLEDGE OF ALLEGIANCE/INVOCATION: Hanna Imberman, Cadet Troop 802 led the pledge. After the pledge, Ms. Imberman thanked the Police Department on behalf of Girl Scout Cadet Troop 802 and Junior Troop 272 for hosting two recent events in which the Girl Scouts participated.

Vice Mayor Weinberg, on behalf of the Commission expressed sympathy to the family, friends and coworkers of Indian Creek Police officer Phil Berte who died in a motor vehicle accident.

Mayor Burkett welcomed Marion Portman, the first woman Mayor in Surfside, serving in 1974.

3. ORDER OF BUSINESS (Additions/Deletions/Amendments/Deferrals): The Town Clerk advised that the Planning and Zoning Board requested that the Commission consider the Fences, Hedges and Walls ordinance for first reading. Hearing no objections, the Mayor added the item as item 6C2.

4. APPROVAL OF THE MINUTES:

4.A.1 March 13, 2007 (including March 14, 2007 continuation) deferred to the May meeting.

5. SPECIAL PRESENTATIONS:

5.A.1 SPECIAL RECOGNITION OF ELI TOURGEMAN – Mr. Tourgeman was recognized for his dedication and service in spearheading the Town of Surfside Merchant's Association.

5.A.2 WATER CONSERVATION MONTH PROCLAMATION – Mayor Burkett

proclaimed April 2007 as Water Conservation Month.

5.A.3. **OFFICER OF THE MONTH** – Officer Giranny Fernandez was recognized for the month of March.

5.A.4. **CIVILIAN OF THE MONTH** – Parking Enforcement Specialist William Perez was recognized for the month of March.

5.A.5. **COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR FISCAL YEAR SEPTEMBER 30, 2006 I** (A.M. Jones, CPA, PA) Alyce Jones presented the 2006 CAFR.

6. PUBLIC HEARINGS:

6.A. **QUASI-JUDICIAL ITEMS:** (NOTE: *Quasi-Judicial items will usually be approve/deny/approve with conditions.*) The Town Attorney read into the record the following statement:

QUASI-JUDICIAL PUBLIC HEARINGS: PLEASE BE ADVISED THAT THE FOLLOWING ITEMS ON THE AGENDA ARE QUASI-JUDICIAL IN NATURE. IF YOU WISH TO COMMENT UPON ANY OF THESE ITEMS, PLEASE INDICATE THE TAB NUMBER YOU WOULD LIKE TO ADDRESS WHEN THE ANNOUNCEMENT REGARDING THE QUASI-JUDICIAL ITEM IS MADE. AN OPPORTUNITY FOR PERSONS TO SPEAK ON EACH ITEM WILL BE MADE AVAILABLE AFTER THE APPLICANT AND STAFF HAS MADE THEIR PRESENTATIONS ON EACH ITEM.

SWEARING IN: ALL TESTIMONY, INCLUDING PUBLIC TESTIMONY AND EVIDENCE, WILL BE MADE UNDER OATH OR AFFIRMATION. ADDITIONALLY, EACH PERSON WHO GIVES TESTIMONY MAY BE SUBJECT TO CROSS-EXAMINATION. IF YOU DO NOT WISH TO BE EITHER CROSS-EXAMINED OR SWORN, YOUR TESTIMONY WILL BE GIVEN ITS DUE WEIGHT. THE PUBLIC WILL NOT BE PERMITTED TO CROSS-EXAMINE WITNESSES, BUT THE PUBLIC MAY REQUEST THE COUNCIL TO ASK QUESTIONS OF STAFF OR WITNESSES ON THEIR BEHALF. THE FULL AGENDA PACKET ON EACH ITEM IS HEREBY ENTERED INTO THE RECORD. PERSONS REPRESENTING ORGANIZATIONS MUST PRESENT EVIDENCE OF THEIR AUTHORITY TO SPEAK FOR THE ORGANIZATION. FURTHER DETAILS OF THE QUASI-JUDICIAL PROCEDURES MAY BE OBTAINED FROM THE CLERK. AT THIS TIME, COMMISSION MEMBERS MUST DISCLOSE ANY EX-PARTE COMMUNICATIONS CONCERNING ANY ITEMS ON THE AGENDA. AT THIS TIME THE CLERK WILL SWEAR IN ANY PERSON WHO WISHES TO TESTIFY ON ANY QUASI-JUDICIAL ITEM

Disclosures:

Vice Mayor Weinberg advised that he received an e-mail from the President of the Surfside Towers requesting that the item be continued. Commissioner Imberman, and Commissioner Blumstein advised they received the same e-mail. Mayor Burkett and Commissioner Levine advised they may have also received the same e-mail.

6.A.1. REHEARING OF VARIANCE REQUEST FOR 9501 COLLINS AVENUE *(Item scheduled on November 7, 2006 for re-hearing)*

AN APPLICATION MADE BY 9501 COLLINS AVENUE, LLC. PROPERTY OWNER(s), OF THE PROPERTY LOCATED AT 9501 COLLINS AVENUE, LEGALLY DESCRIBED AS LOT 1, BLOCK 2, SUBDIVISION ALTOS DEL MAR No. 6, FOLIO #14.2235.007.0110; REQUESTING A VARIANCE FROM THE PROVISIONS OF CHAPTER 90, SECTION 155 OF THE TOWN CODE FOR A LOT WIDTH OF 55 FEET, WHICH IS A VARIANCE OF 45 FEET WHERE A MINIMUM LOT WIDTH OF 100 FEET IS REQUIRED AND A SOUTH SIDE CORNER YARD SETBACK OF 10 FEET, WHICH IS A VARIANCE OF 10 FEET WHERE A MINIMUM SOUTH SIDE CORNER YARD SETBACK OF 20 FEET IS REQUIRED.

Town Planner Sara Sinatra in a review of a written report *(attached to these fully executed minutes)* recommended approval of the variances.

Lucia Dougherty, representing the applicant made a presentation in which she requested the variances be approved.

Following the presentation, the Mayor opened the public hearing portion of the meeting. The following spoke in regards to the variances: Perry Adair, representing The Surfside Towers, spoke in support of the variance with conditions. Dean Bilton, representing Surfside Towers, spoke in support of the variances with conditions. Mat Rechler spoke in opposition to the project. Marion Portman spoke in favor of the project. Tania Garcia, property manager for the Spiagia Condominium in support of the project.

The Mayor closed the public hearing.

Vice Mayor Weinberg moved to approve the variances, subject to the following conditions: That the applicant demolish the existing building on the site within 90 days of this approval; that the structure shall be constructed to the Silver certification standard of the Leadership in Energy and Environmental Design (LEED) Green Building Rating System; that the landscaping of the site along the right-of-way of 95th Street be consistent with the recommendations of the Town Charrett; that the applicant shall make a contribution of \$50,000 toward the landscaping subject to the covenants of the Surfside Towers; the applicant shall pay a cost recovery fee.

Commissioner Levine seconded the motion. On a roll call vote, the motion carried 4-1 with Mayor Burkett dissenting.

6.B. ORDINANCES – SECOND READING AND PUBLIC HEARINGS:

- 6.B.1 ETHICS ORDINANCE** (*Burkett*) The Town Clerk read the Ordinance by title as follows:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA ADOPTING A CODE OF ETHICS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Imberman moved to adopt the Ordinance. Commissioner Levine seconded the motion.

The Mayor opened the public hearing. There were no comments from the public, therefore the Mayor closed the public hearing.

Following brief discussion, the Ordinance was approved unanimously on a roll call vote.

- 6.B.2 TERM LIMITS CHARTER AMENDMENT** (*Blumstein*) The Town Clerk read the Ordinance by title as follows:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR AMENDMENT OF THE TOWN CHARTER BY AMENDING ARTICLE II "TOWN COMMISSION, SECTION 5, "NUMBER; SELECTION; TERM." TO INCLUDE TERM LIMITS; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; PROVIDING FOR COPIES OF THIS CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Levine moved to adopt the Ordinance. Commissioner Blumstein seconded the motion.

The Mayor opened the public hearing. There were no comments from the public, therefore the Mayor closed the public hearing.

Following brief discussion, the Ordinance was approved unanimously on a roll call vote.

- 6.B.3 BEACH CHAIR/UMBRELLA RENTALS** (Beach Club) (*Town Attorney*) The Town Clerk read the Ordinance by title as follows:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF

SURFSIDE, FLORIDA, AMENDING CHAPTER 86 “WATERWAYS” SECTION 86-41 “PEDDLING”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Levine moved to adopt the Ordinance. Commissioner Imberman seconded the motion.

The Mayor opened the public hearing. There were no comments from the public, therefore the Mayor closed the public hearing.

Following brief discussion, the Ordinance was approved unanimously on a roll call vote.

6.C. ORDINANCES – FIRST READING

- 6.C.1 CODE ENFORCEMENT ORDINANCE** (*Town Attorney*) The Town Clerk read the Ordinance by title as follows;

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 15 “CODE ENFORCEMENT”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Attorney reviewed the ordinance. Following the review, the Commission had discussion on the Ordinance in which a reduction in fines and administrative costs was discussed. The Mayor allowed comments from the public and the following residents spoke: Ken Arnold, Bob Fisher, Jay Senter, and Joseph Graubart.

Commissioner Imberman moved to adopt the Ordinance with the addition of a reduction in fines and administrative costs. Commissioner Levine seconded the motion. On a roll call vote, the motion carried unanimously.

- 6.C.2 FENCES, HEDGES AND WALLS ORDINANCE** (*Town Attorney*) The Town Clerk read the Ordinance by title as follows;

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 90 “ZONING”; ARTICLE V “SUPPLEMENTARY REGULATIONS”; DIVISION 1 “GENERALLY”; SECTION 90-183 “FENCES, WALLS AND HEDGES”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

The Town Attorney reviewed the ordinance. Following the review, the Commission had discussion on the Ordinance in which the size of the

hedges in the front and side was discussed. The Mayor allowed comments from the public and the following resident spoke: Bob Fisher

7. **GOOD AND WELFARE:** The following residents addressed the Commission: Joseph Graubart; Dana Kulvin; Kathy Imberman, Rob Sheinehein; Dalia Blumstein, Bob Fisher

The Commission addressed the issue of the Community Center and following same, Vice Mayor Weinberg moved to conduct a Straw Ballot vote (postcards mailed to the electorate) to ascertain the wishes of the Community in regards to the Community Center. The motion was seconded by Commissioner Imberman and carried unanimously.

8. **RESOLUTIONS:**

- 8.A.1 **POLICE CONFISCATION FUND EXPENDITURE (Security System)** The Town Clerk read the Resolution by title as follows:

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2006/2007 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF THIRTEEN THOUSAND DOLLARS TO BE FUNDED BY PROCEEDS OF CONFISCATED FUNDS.

Commissioner Imberman moved to adopt the Resolution. The motion was seconded by Commissioner Levine. The motion carried unanimously.

9. **COMMISSION REPORTS:**

10. **COMMITTEE REPORTS:**

- 10.A.1 **AUDIT COMMITTEE:** The Manager reported.

- 10.A.2 **CHARRETT COMMITTEE:** Committee Chair Ken Arnold reported.

- 10.A.3 **COMMUNITY CENTER COMMITTEE** – Project Manager Recommendation – The Town Manager reported that the Committee met and ranked the five firms that submitted proposals and the committee recommended that the Commission approve a contract with the firm of Calvin Giordano & Associates for the Community Center Project Manager. Commissioner Levine Moved to authorize the Town Manager to negotiate the contract with Calvin Giordano. The motion was seconded by Vice Mayor Weinberg and carried unanimously.

- 10.A.4 **EDUCATION COMMITTEE:** Commissioner Imberman reported.

- 10.A.5 **PARKS AND RECREATION COMMITTEE:** Committee Chair Dalia Blumstein reported.

- 10.A.6 **PENSION BOARD:** The Town Manager reported that there are two vacancies on the pension board, both are employees and will be filled via an election by the Town Employees.

At 11:29 p.m., The Mayor called for a recess and continued the meeting to time certain Monday, April 23, 2007 at 7:00 p.m.

On Monday, April 23, 2007, at 7:05 p.m., the Mayor reconvened the April 10th Commission meeting. The following Commission members were present at roll call: Mayor Charles W. Burkett, Vice Mayor Howard Weinberg, Commissioner Mark Blumstein, and Commissioner Marc Imberman. And Commissioner Steven Levine. The following staff members were also present: W.D. Higginbotham, Town Manager, Lynn Dannheisser, Town Attorney, Police Chief David Allen and Town Clerk Beatris M. Arguelles.

10.A.7 PERSONNEL APPEALS BOARD: The Mayor announced that his appointment to the Board has resigned leaving a vacancy on the Board. He requested confirmation of his new appointment, Randi MacBride. Vice Mayor Weinberg moved to accept the appointment of Randi MacBride and confirm the entire board consisting of the following members: Brian Dooreck, Federico Alias, Peter Glynn and Jay Abramowitz. Commissioner Imberman seconded. The motion carried unanimously.

10.A.8 PLANNING AND ZONING BOARD: Commissioner Blumstein reported.

10.A.9 POLICE OFFICERS PENSION TRUST FUND: The Town Manager noted that there are two citizens required to serve on the board of the Trust fund and the seats are currently vacant. He asked that the Commission furnish him with the names of potential citizens to serve on the board.

10.A.10 TOURIST BUREAU: Commissioner Levine reported.

11. TOWN MANAGER'S REPORT:

11.A.1 SURFSIDE CRIME STATISTICS: will be included in the Town Gazette.

11.A.2 OTHER ITEMS: The Town Manager reviewed the Bus Schedule which has been updated to include daily trips to the Miami Shores Aquatic Center.

The Town Manager announced the following RFQ's have been advertised: Historical Structures Survey; General Consulting Engineering, Planning, Building and Code Compliance Services and Auditing Services.

The Town Manager announced that at the direction of the Commission, he looked into the possibility of setting up a portable pool for the community to use while the Community Center Pool is out of commission. He advised, that Chapter 514, Florida Statutes prohibits a portable pool to be used for public use.

He met with Grant writers for work on grants applications for infrastructure needs and land acquisition.

Regarding the Project Manager for the Community Center, the Town Manager

disseminated a rate sheet along with a model project phase sheet submitted by the recommended firm. He requested the Commission give direction to the Town Attorney to draft a contract with Calvin Giordano for approval by the Commission at the May meeting. The Commission had discussion regarding the time frames, projected costs and budget constraints. The Mayor directed the Town Attorney to prepare a document for approval by the Commission without objection from the Commission.

Commissioner Imberman requested the status of newspaper racks, second water meters and “Green” initiatives. The Town Manager noted that proposals for costs are being sought for the news racks. Regarding the second water meters, staff is working on providing the requested information. Regarding the “Green initiatives” the Town Manager noted that environmentally friendly vehicles are being looked at when new vehicles are needed in the future. He also reported that energy efficient fixtures will be utilized in Town facilities as they are replaced.

- 12. TOWN ATTORNEY’S REPORT:** Town Attorney Lynn Dannheisser reported that a Stipulation for Settlement from Bank of America in the Town of Surfside vs. Maranon. She noted that the case has been settled for \$190,000 and requested that the Town Commission approve the deferral of the time frames within which the Maranon’s are to comply with the obligations stipulated in the agreement. Commissioner Imberman moved and Vice Mayor Weinberg seconded. The motion carried unanimously.

13. DISCUSSION ITEMS:

13.A.1 GREEN COMMITTEE (*Weinberg*) The Vice Mayor asked the Commission to approve a ten member advisory Committee that would advise the Commission on what can be done for a more sustainable, environmentally responsible Surfside. There were no objections to forming the committee.

13.A.2 CODE COMPLIANCE IN THE B-1 DISTRICT (*Imberman*) The Commissioner expressed concern over lack of code enforcement in the Commercial district, noting that facades are deteriorating and awnings and storefronts are deficient. The Town Manager noted that courtesy notices have been issued to many of the businesses and most have begun to comply (ordered awnings, etc.) He noted that compliance is being monitored and that the Merchant’s Association is working with the town.

13.A.3 PUBLIC INFORMATION RESOURCES REVIEW (*Imberman*) The Commissioner addressed the various means by which the Town’s information is distributed (i.e.: the Gazette, the website, Channel 77, etc.) He suggested that each commissioner give input to the manager regarding ideas for maximizing the resources. He suggested continuity of media. He also suggested a digital display board both on the south and north side of Town Hall to advertise events.

Commissioner Blumstein suggested putting in place the reverse 911 system where automated calls are made to the homes regarding events that are taking place providing another medium by which the public can be notified.

Specifically regarding the Gazette, Commissioner Imberman suggested that it has become bloated. He noted the color pages may be limited to reduce the cost. There was no consensus on limiting the number of color pictures or limiting the number of events listed in the gazette.

Commissioner Imberman suggested that the Parks and Recreation Department have its own publication to advertise its activities. There was no action taken.

- 13.A.4 PROJECT PRIORITIZATION** (*Imberman*) – The Commissioner asked the commission to consider the prioritization of projects, more specifically those involving expenditure of money. He proceeded to prioritize projects as follows: Storm water Abatement, Sewer Infrastructure, Community Center, Library, beach path, street ends and land acquisition.

Mayor Burkett concurred with the Commissioner's list. There were no other comments.

- 13.A.5 CITIZEN'S CRIME WATCH** (*Blumstein*) The Commissioner suggested invigorating the program. He encouraged the residents to become involved. He noted that the Police Department has been encouraging residents to attend monthly meetings and participate, but that participation has dwindled. There was no action taken.

- 13.A.6 CITIZEN'S PATROL OF OUR TOWN** (*Blumstein*) See item 13A5.

- 14. MAYOR'S ROUNDTABLE:** Mayor Burkett introduced Lisa and Paul Ray, owners of Island Fitness, 9448 Harding Avenue who addressed the Commission regarding the possibility of changing the Code to allow fitness studios on the first floor. Following the presentation, the Town Attorney was directed to draft an ordinance allowing fitness studios on the first floor level in the B-1 district, by a motion made by Vice Mayor Weinberg, seconded by Commissioner Levine and carried unanimously.

- 15. ADJOURNMENT:** The Meeting adjourned at 9:16 p.m.

▪ THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936.

- IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

- AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov

- TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY attend AT THIS MEETING.

- THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.

Item 3.A.1
Ordinance for Second Reading

RLUIPA ORDINANCE
(Places of Public Assembly)

ORDINANCE NO. 07-_____

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN CODE BY AMENDING CHAPTER 90, ARTICLE I "IN GENERAL" SECTION 90-2 "DEFINITIONS" TO PROVIDE DEFINITIONS OF "COMMON AREA" AND "PLACE OF PUBLIC ASSEMBLY"; AMENDING ARTICLE II "ADMINISTRATION AND ENFORCEMENT" SECTION 90-41 "CONDITIONAL USES" TO PROVIDE THAT CHURCHES AND SYNAGOGUES SHALL NOT BE CONSIDERED CONDITIONAL USES; AMENDING ARTICLE IV "DISTRICT REGULATIONS", SECTION 90-147 "RD-1 TWO FAMILY RESIDENTIAL DISTRICT" TO PROVIDE THAT CHURCHES AND SYNAGOGUES SHALL NOT BE CONSIDERED CONDITIONAL USES; AMENDING ARTICLE IV "DISTRICT REGULATIONS", SECTION 90-149 "RM-1 MULTI-FAMILY RESIDENTIAL DISTRICT" TO AMEND PROVISIONS RELATED TO CONDITIONAL USES; AMENDING ARTICLE IV "DISTRICT REGULATIONS", SECTION 90-151 "RT-1 TOURIST DISTRICT" TO AMEND PROVISIONS RELATED TO PERMITTED AND CONDITIONAL USES; AMENDING ARTICLE IV "DISTRICT REGULATIONS", SECTION 90-152 "B-1 BUSINESS DISTRICT" TO PROVIDE THAT PLACES OF PUBLIC ASSEMBLY SHALL BE PERMITTED WITHIN THE B-1 BUSINESS DISTRICT ONLY ON SECOND FLOORS AND HIGHER; AMENDING ARTICLE V "SUPPLEMENTARY REGULATIONS", DIVISION 3 "OFF-STREET PARKING", SECTION 90-226 "OFF-STREET PARKING REQUIREMENTS" TO PROVIDE CONSISTENT OFF-STREET PARKING REQUIREMENTS FOR PLACES OF PUBLIC ASSEMBLY; AMENDING DIVISION 3 "OFF-STREET PARKING", SECTION 90-226 "OFF-STREET PARKING REQUIREMENTS" TO PROVIDE CONSISTENT OFF-STREET PARKING REQUIREMENTS FOR PLACES OF PUBLIC ASSEMBLY; AMENDING DIVISION 3 "OFF-STREET PARKING", SECTION 90-227 "INTERPRETATION OF THESE REQUIREMENTS" IN ORDER TO PROVIDE ADDITIONAL STANDARDS FOR CONSIDERATION OF A VARIANCE FROM PARKING REQUIREMENTS REQUESTED BY A PLACE OF PUBLIC ASSEMBLY; AMENDING ARTICLE V "SUPPLEMENTARY REGULATIONS", DIVISION 5 "PLACES OF PUBLIC ASSEMBLY", TO PROVIDE FOR ESTABLISHMENT OF SECTION 90-245 "LOCATIONAL REQUIREMENTS FOR PLACES OF PUBLIC ASSEMBLY" TO PROVIDE THAT PLACES OF PUBLIC ASSEMBLY SHALL BE PERMITTED WITHIN THE AREA DEPICTED ON THE LOCATIONAL MAP PROVIDED IN THIS SECTION; AMENDING ARTICLE V "SUPPLEMENTARY REGULATIONS", DIVISION 5 "PLACES OF PUBLIC ASSEMBLY", TO PROVIDE FOR ESTABLISHMENT OF SECTION 90-246 "NO-FEE OPERATIONAL LICENSING OF NOT-FOR-PROFIT PLACES OF PUBLIC ASSEMBLY"

TO PROVIDE FOR A LICENSING MECHANISM FOR PLACES OF PUBLIC ASSEMBLY; AMENDING ARTICLE V “SUPPLEMENTARY REGULATIONS”, DIVISION 5 “PLACES OF PUBLIC ASSEMBLY”, TO PROVIDE FOR ESTABLISHMENT OF SECTION 90-247 “HOME-BASED AND COMMON-AREA BASED ASSEMBLY USES” IN ORDER TO PROVIDE FOR REGULATION OF HOME-BASED PLACES OF PUBLIC ASSEMBLY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission (the “Commission”) recognizes the need to regulate places of public assembly for the health, safety and welfare of the Town; and

WHEREAS, the Commission believes it is in the best interest of the Town to amend the Code of Ordinances to address the location of and provide standards for places of public assembly; and

WHEREAS, major corridors within residential zoning districts provide sufficient capacity to address the land use impacts of places of public assembly; and

WHEREAS, to enhance the vitality of and promote a healthy mix of uses within the downtown area, it is appropriate to limit places of public assembly to the second floors and higher of buildings within the B-1 zoning district; and

WHEREAS, the Town Commission recognizes that home-based and common-area based assemblies in residential zoning districts may create parking, noise, traffic and other impacts, and that these impacts should be addressed by appropriate regulation; and

WHEREAS, the Town Commission desires to provide for regulation of places of public assemblies which foster and enhance the desired mixture of uses within the downtown area; and

WHEREAS, in order to create additional standards to address parking impacts arising from home-based and common-area based assembly uses occurring in residential zoning districts, the Town Commission desires to amend the Code of Ordinances; and

WHEREAS, the Town Commission desires to encourage the location of places of public assembly in areas that, based upon sound planning judgment, are most appropriate for assembly uses; and

WHEREAS, the Town seeks to encourage compliance with its Code of Ordinances by amending the Code to create a no-fee operational licensing procedure for not-for-profit places of public assembly; and

WHEREAS, the Town Commission finds that enactment of these regulations through its powers will protect the public health, safety, and welfare of the residents of the Town, and furthers the purpose, goals, and objectives and policies of the Town’s Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:

Section 1. Code Amended. The Town Code is hereby amended by amending Section 90-2 “Definitions” to read as follows:

* * * * *

Common area shall mean a room or designated area within a building or complex of buildings zoned for residential use served by shared or public parking areas, which is reserved for the exclusive use of the residents of the building or complex and their invited guests, and is an accessory use to the primarily residential use of such buildings.

* * * * *

Place of public assembly shall mean any area where individuals assemble, whether publicly or privately owned and maintained. Includes, but is not limited to, public assembly buildings such as auditoriums, private clubs and lodges, community centers, clubhouses, and theaters; and places of worship or other facilities that are used for prayer and assembly by persons of similar beliefs.

* * * * *

Section 2. Code Amended. The Town Code is hereby amended by amending Section 90-41 “Conditional uses” to read as follows:

* * * * *

(b) *Conditional uses enumerated.* The following buildings, structures, and uses may be approved by the town commission as conditional uses in any district in which they are specifically allowed, as indicated within the provisions for individual zoning districts. Approval of such conditional use(s) in accordance with the procedures and standards of this section shall only be granted where it has been clearly shown that the public health, safety, morals, and general welfare will not be adversely affected; that adequate off-street parking facilities, in accordance with this chapter, will be provided; and that necessary safeguards will be provided for the protection of surrounding property:

~~(1) Churches and synagogues.~~

(2) (1) Institutions, educational or philanthropic, including museums, but not including nursing homes or hospitals.

~~(3)~~ (2) Off-street parking lots and garages.

(4) (3) Public and governmental buildings.

~~(5)~~ (4) Public utilities or public service uses, buildings, structures and appurtenances thereto.

~~(6)~~ (5) A bar accessible from the pool or pool deck for use solely by guests of hotels and motels in the RT-1 tourist district. In all cases, it shall be the exclusive responsibility of the owner, operator, tenant or user of the property to assure that neither the sale nor consumption of beverages shall occur or be allowed to occur off the property or on any portion of the property lying east of the bulkhead line.

* * * * *

Section 3. Code Amended. The Town Code is hereby amended by amending Section 90-147 “RD-1 two-family residential district” to read as follows:

Sec. 90-147. RD-1 two-family residential district.

(a) Purpose of the district. The purpose of the RD-1 two-family residential district is to provide for both single-family and two-family residences, and in certain instances for more intensive residential uses along the east side of Harding Avenue, but building heights shall be limited to two stories to protect nearby single-family residences.

(b) Permitted uses. A building or land shall be used only for the following purposes:

(1) Any use permitted in the RS-1 and RS-2 single-family residential districts.

(2) Two-family dwellings.

(3) The owner of 75 feet or more of property along the east side of Harding Avenue may erect a multiple-family building.

(c) Permitted accessory uses. Any accessory use permitted in the RS-1 and RS-2 single-family residential districts.

(d) Permitted conditional uses. Those uses which may be permitted as conditional uses shall be only those described under subsections ~~90-41(b)(1)~~, 90-41(b)(~~2~~1), 90-41(b)(~~3~~2), 90-41(b)(~~4~~3) and 90-41(b)(~~5~~4).

(e) Height, area and yard requirements. Maximum height regulations and minimum requirements for floor and lot area and for yards are contained in section 90-155.

Section 4. Code Amended. The Town Code is hereby amended by amending Section 90-149 “RM-1 multiple-family residential district” to read as follows:

Sec. 90-149. RM-1 multiple-family residential district.

(a) *Purpose of the district.* The purpose of the RM-1 multiple-family residential district is to encourage a good standard of rental living units that will accommodate both tourists and yearround residents. However, no services or sales to guests shall be permitted within buildings within this district.

(b) *Permitted uses.* A building or land may be used only for the following purposes:

(1) Any use permitted in the RD-1 two-family residential district.

(2) Multiple-family dwellings.

(3) Motels.

(4) Suite-motels, but only for buildings newly-constructed or converted to suite-motels on or after June 1, 1999. No building shall convert from another use to a suite-motel unless it meets all requirements for a suite-motel, including but not limited to all zoning requirements of this Code.

(c) *Permitted accessory uses.*

(1) Any accessory use permitted in the RS-1 and RS-2 single-family residential districts.

(2) An office containing an area of not more than two percent of the gross floor area of the building for administration of rental units in a building containing ten or more living units.

(3) Lounges, card rooms and auxiliary kitchens which are solely for the use of residents and guests.

(4) A laundry room for the use of residents and guests of a multiple-family dwelling. Coin-operated laundry machines may be utilized.

(5) Coin-operated vending machines such as for candy, tobacco, ice, soft drinks and sundries inside a building containing ten or more living units or guest rooms.

(6) Off-street parking and loading facilities.

(7) Swimming pools, cabanas and game courts for the use of guests of the hotel, motel or residential development.

* * *

(d) Permitted conditional uses. Those uses which may be permitted as conditional uses shall be only those described under subsections 90-41(b)(~~3-2~~), 90-41(b)(~~4-3~~) and 90-41(b)(~~5-4~~).

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Section 5. Code Amended. The Town Code is hereby amended by amending Section 90-151 "RT-1 tourist district" to read as follows:

Sec. 90-151. RT-1 tourist district.

(a) *Purpose of the district.* The purpose of the RT-1 tourist district is to provide facilities that will afford convenience for tourists and enable intensive use of the ocean frontage. Tall buildings are permitted but ample open space is required around such buildings.

(b) *Permitted uses.* A building or land shall be used for the following purposes:

(1) Any uses permitted in the RM-1 multifamily residential district, ~~except that no churches or synagogues shall be permitted.~~

~~(2) Private clubs.~~

~~(3)~~ (2) Hotels and motels.

~~(4)~~ (3) Hotels and motels may provide a barbershop, beauty parlor, dining room, and coffee shop, bar or cocktail lounge, telegraph office, tobacco, candy, and newsstand, automobile rentals where rental vehicles are not kept on premises, ready to

wear shops, travel agencies, gift and sundry shops, coin operated machines as defined in section 70-33, washing machines as defined in section 70-33, and marble, coin or amusement machines (other than gambling devices), and diet and health spas providing services solely to guests; provided, however, that such facilities may be entered only from the inside of the structure and there shall be no window or evidence of such facilities from outside the hotel or motel except as provided in section 90-209(b)(1)b.

~~(5)~~ (4) Suite-hotels, but only for buildings newly-constructed or converted to suite-hotels on or after June 1, 1999. No building shall convert from another use to a suite-hotel unless it meets all requirements for a suite-hotel, including but not limited to all zoning requirements of this Code.

~~(6)~~ (5) Suite-motels, but only for buildings newly-constructed or converted to suite-motels on or after June 1, 1999. No building shall convert from another use to a suite-motel unless it meets all requirements for a suite-motel, including but not limited to all zoning requirements of this Code.

* * * *

(e) Permitted conditional uses. Those uses which may be permitted as conditional uses shall be only those described under subsection 90-41(b)(~~6~~ 5).

Section 6. Code Amended. The Town Code is hereby amended by amending Section 90-152 “B-1 business district” to read as follows:

Sec. 90-152. B-1 business district.

(a) Purpose of the district. The purpose of the B-1 business district is to provide for retail shopping and personal service needs of the town's residents and tourists. It is intended to prevent uses and activities which might be noisy, offensive, obnoxious or incongruous in behavior, tone or appearance and which might be difficult to police.

(b) Permitted uses. No building or land within this district shall be used in whole or in part except for one or more of the following permitted uses:

(1) Art agencies:

- a. Antique shops.
- b. Gift shops.
- c. Art dealers.
- d. Art supplies.
- e. Photographers and camera stores.
- f. Art and photograph galleries.

(2) Bakeries, subject however, to the following restrictions and conditions:

- a. That no baking shall be done on the premises for other retail or wholesale outlets.
- b. That ovens or oven capacity is limited in total usable baking

space, not to exceed in volume 18 standard pans of 18 by 26 inches in width and length.

c. That adjoining properties shall be safeguarded and protected from exhaust fan or other obnoxious noises and odors at all times.

d. That all baking will be done by the use of electric or natural gas (not bottled gas) ovens only.

e. All machinery and equipment shall be entirely confined within the main building.

f. That the hours of baking operation shall be limited to those hours between 6:00 a.m. and 9:00 p.m.

g. That the entire store area shall be fully air-conditioned as required for comfort.

h. That baking shall not be permitted within 20 feet of the store front, and shall be separated from the sales area by a partition or counter.

(3) Barbershops.

(4) Beauty parlors: Exterior windows on the ground floor shall be screened, curtained or otherwise made opaque four feet six inches from the grade of the adjacent sidewalk so as to block the view of the interior premises from the public right-of-way. However, such screening shall not be required where only hair styling and manicures are performed within 20 feet of the public right-of-way.

(5) Business and professional offices, except veterinary offices.

(6) Clothing stores and services:

a. Men's, women's, children's clothing.

b. Millinery.

c. Tailor.

d. Shoes.

e. Dry cleaning and laundry agency, provided all machinery which provides cleaning or laundry services shall be separated from customer areas by a partition or counter and no customers shall be permitted to use such machinery. In addition, all drycleaning machinery shall be nonventilated, sealed system type machinery in which "Fluorocarbon R-113" type solvents are used.

f. Furrier.

g. Shoe repair, provided no machinery for providing repairs shall be visible from the sidewalk or street and no shoe repair shop shall be permitted on Harding Avenue Avenue.

h. Dry goods.

(7) Department stores.

(8) Entertainment:

a. Video tape sales and rentals, provided all tapes sold are prerecorded, and all tapes are rated either G, PG, PG-13, or R.

b. Caterers.

c. General ticket agencies.

~~d. Theatre and cinema.~~

- (9) Existing filling station on the unnumbered lot at the southwest corner of Block 4, Altos Del Mar No. 6.
- (10) Food products, provided that no sales shall be made through an open window to any street, alley, driveway or sidewalk:
 - a. Delicatessens.
 - b. Restaurants.
 - c. Candy and nut shops.
 - d. Grocery and meat stores or supermarkets, provided no live meat or poultry shall be kept on the premises.
 - e. Confectionery and ice cream stores.
 - f. Fruit shops.
 - g. Liquor stores.
- (11) General or special merchandise:
 - a. Toys.
 - b. Hardware, paint and wallpaper.
 - c. Luggage.
 - d. Office machines and supplies.
 - e. Pet supplies.
 - f. Stationery and greeting cards.
 - g. Furniture, provided no repairing or servicing of furniture is permitted on the premises.
 - h. Jewelry.
 - i. Flowers and plants.
 - j. Sporting goods.
 - k. Drug stores and sundries.
 - l. Cigars and tobacco.
 - m. Books and newspapers.
 - n. Appliances.
 - o. Pottery.
 - p. Interior decorator.
- (12) Locksmith, except on Harding Avenue.
- (13) Monetary services:
 - a. Banks.
 - b. Savings and loan associations.
 - c. Stock and bond brokers.
 - d. Currency exchange.
- (14) Music:
 - a. Sale of televisions, radios, phonograph and recording equipment.
 - b. Sheet music and musical instruments.
- (15) Public services:
 - a. Telegraph station.
 - b. Telephone exchange.
- (16) Travel agency.
- (17) Coin-operated machines. Coin-operated machines for dispensing goods or services are permitted, except that washing machines, dryers and other laundry-related equipment are prohibited. No coin-operated games of chance are permitted, but coin-operated games of skill are

permitted within establishments solely dispensing liquor, as defined in chapter 6, for consumption on the premises only; provided, however, that not more than three such games of skill are permitted in any such establishment, and that such games shall not be used for wagering nor for the awarding of prizes of any value.

(18) Places of public assembly, which shall be permitted on the second and higher floors only.

~~(18)~~ (19) The following uses shall be permitted throughout this district, provided such uses shall be located above the first floor level:

a. Dance or music instruction studios, provided such studios meet all of the following restrictions and conditions:

1. That the premises be air conditioned and soundproofed.

2. That no dance instruction or dancing shall be visible from any sidewalk, street or alley.

3. That the opening and closing hours for such studios may be established by the town commission at its discretion at any time.

b. Delivery service.

c. Driving school offices, provided such use shall be limited to offices only, and shall not be interpreted in any manner as permitting the conduct of any such school's or schools' business, activities or functions upon the public streets of the town.

d. Employment agencies, provided that such agencies maintain at all times sufficient office space to accommodate all applicants for employment using their services and obviate the congregating or loitering of such applicants in any hallway or on any sidewalk.

e. Health studio or club, or reducing salon.

f. Loan or mortgage office.

g. Medical or dental clinic.

h. Modeling school, language school, or athletic instruction.

i. ~~Private club or lodge hall.~~

j. Radio or television station or studio.

k. Secretarial service, mailing, bookkeeping, court reporter.

l. Taxi agency.

m. Title company.

* * * * *

Section 7. Code Amended. The Town Code is hereby amended by amending Section 90-226 "Off-street parking requirements" to read as follows:

Sec. 90-226. Off-street parking requirements.

(a) Except as otherwise provided herein, when any building or structure is hereafter constructed; or structurally altered so as to increase the number of dwelling units or hotel/motel rooms; to increase its total commercial floor area;

or when any building or structure is hereafter converted to any of the uses listed in subsection (b) of this section, off-street parking spaces shall be provided in accordance with the requirements of subsection (b) of this section, or as required in subsequent sections of this article.

(b) The number of off-street parking spaces that shall be required to serve each building or structure and use shall be determined in accordance with the following table:

- (1) Single-family dwelling in the RS-1 district: Two spaces.
- (2) Single-family dwelling in all other districts: One space.
- (3) Two-family dwelling: One space for each dwelling unit.
- (4) Multiple-family dwelling, for each dwelling unit:

TABLE INSET:

Efficiency and one-bedroom unit:	1.5 spaces
Two and three bedroom unit:	2.0 spaces
Four-bedroom or more unit:	2.25 spaces

For projects of greater than 60 dwelling units, parking spaces may be provided as tandem spaces, provided, however, a minimum of one unencumbered parking space, tandem or regular, must be provided for each dwelling unit and valet parking service shall be provided at all times. One visitor parking space for each 15 dwelling units unless tandem parking with valet services is provided in which case one visitor space for each 20 units is required.

(5) Hotel and motel: One space for each room.

(6) Suite-hotel and suite-motel: One and one-quarter spaces for each room.

(7) ~~Church, synagogue, temple or other place of public assembly with fixed seats:~~ Place of public assembly with fixed seats: One space for every four (4) seats and one space for every six (6) feet of bench seating.

(8) Place of public assembly without fixed seats: One space for each 50 square feet of floor area available for seats.

~~(8) Private clubs and lodges: One space per 250 square feet of gross floor area.~~

~~(9) Auditorium or theatre: One space for each four seats.~~

~~(10)~~ (9) Grocery, fresh fruit or meat market: One space for each 250 square feet of gross floor area.

~~(11)~~ (10) Retail store or personal service establishment: One space for each 300 square feet of gross floor area.

~~(12)~~ (11) Office or office building: One space per 400 square feet of gross floor area; however, medical offices, dental offices and clinics shall provide one space per 300 square feet of gross floor area.

~~(13)~~ (12) Restaurants or other establishments for the consumption of food and beverages on the premises: One space per four seats.

~~(14) Place of public assembly without fixed seats: One space for each 50 square feet of floor area available for seats.~~

(15) (13) Banks, savings and loans or other financial institutions: One space per 300 square feet of gross floor area.

Section 8. Code Amended. The Town Code is hereby amended by amending Section 90-227 “Interpretation of these requirements” to read as follows:

Sec. 90-227. Interpretation of these requirements.

(a) The parking required herein is in addition to space required for the loading and unloading of trucks or other vehicles used in connection with a business, commercial, or industrial use.

(b) Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

(c) The parking space requirements for a use not specifically listed in this section shall be the same as for a listed use of similar characteristics of parking demand generation.

(d) In the case of mixed uses, uses with different parking requirements occupying the same building or premises, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

(e) Whenever a building or use, constructed or established after the effective date of this article, is changed or enlarged in floor area, number of dwellings or sleeping units, seating capacity or otherwise, to create a requirement for an increase in the number of required parking spaces, such spaces shall be provided on the basis of the enlargement or change.

(f) Where a place of public assembly, as defined in Section 90-2 of this Chapter, has been in existence for at least ten (10) years and a variance from the parking requirements of this Chapter is requested, hardships pertaining to the variance request shall not be considered self-created for purposes of consideration of the merits of the variance request.

Section 9. Code Amended. The Town Code is hereby amended by amending Article V “Supplementary Regulations” to establish Division 5 “Places of Public Assembly”, Section 90-245 “Locational Requirements for Places of Public Assembly” to read as follows:

Sec. 90-245. Locational Requirements for Places of Public Assembly

Places of public assembly shall be permitted within the area depicted in Figure 90-245 (“Public Assembly Places”) in this Section; however, within the B-1 Zoning District, places of public assembly shall be permitted on the second or higher floors only, as provided in Section 90-152(b)(18).

Section 10. Code Amended. The Town Code is hereby amended by amending Article V "Supplementary Regulations", Division 5 "Places of Public Assembly", to create Section 90-246 "No-fee operational licensing of not-for-profit places of public assembly" to read as follows:

Sec. 90-246. No-fee operational licensing of not-for-profit places of public assembly.

(a) A place of public assembly operated by a not-for-profit organization qualified under Section 501(c)(3) of the Internal Revenue Code and registered pursuant to Chapter 496, Florida Statutes, shall not be occupied until it obtains an operational license from the Town.

(b) The operator of a qualifying place of public assembly shall obtain a form from and submit an application for an operational license by contacting the Department of Building and Zoning. No fee shall be charged by the Department.

(c) The Town Manager or his or her designee shall notify the holder of any operational license, in writing, of the Town's intent to revoke an operational license if he or she determines that the following circumstances exist:

(1) The Town has reasonable grounds to believe that the premises are being used in a manner that is inconsistent with, or contrary to, the provisions of the zoning code or any other applicable code or statute.

(2) In the event of a conviction of any director of the organization holding the operational license by a court of competent jurisdiction, for the violation of any criminal statute committed in conjunction with the operation.

(3) It has been ascertained that the holder of the operational license falsified any information on its application.

(4) The holder of the operational license, or the holder's designated manager, operator, or supervisor, refuses to permit an authorized law enforcement officer or code enforcement officer to inspect the premises during normal operating hours for the purpose of investigating a complaint which has been filed against the operation.

(d) The notice of intended revocation of an operational license shall state the following:

THE HOLDER OF THE OPERATIONAL LICENSE SHALL HAVE TEN (10) DAYS FROM THE DATE OF RECEIPT OF THIS NOTIFICATION EITHER TO BRING THE PREMISES INTO COMPLIANCE OR TO REQUEST A HEARING, IN WRITING, BEFORE THE TOWN COMMISSION. IF THE VIOLATION IS NOT CURED OR IF NO WRITTEN REQUEST FOR A HEARING IS RECEIVED BY THE TOWN OF SURFSIDE WITHIN TEN (10) DAYS OF THE DATE OF THIS NOTIFICATION BY THE CERTIFICATE HOLDER, THE OPERATIONAL LICENSE SHALL BE CONSIDERED REVOKED.

(e) If the holder of the operational license requests a hearing before the Town Commission, the operational license shall remain in effect during the pendency of the action before the Town Commission.

(f) The original of the operational license shall be posted upon the premises at

all times.

Section 11. Code Amended. The Town Code is hereby amended by amending Article V “Supplementary Regulations”, Division 5 “Places of Public Assembly”, to establish Section 90-247 “Home-based and common-area based assembly uses” to read as follows:

Sec. 90-247. Home-based and common-area based assembly uses.

(a) Applicability. The standards set forth in this subsection shall apply to any proposed or existing home-based or common-area based assembly use located in the following residential zoning districts: RS single-family residential district, RS-1 single-family residential district, RS-2 single-family residential district, RD-1 two-family residential district, RD-2 two-story multiple family residential district, RM-1 multiple-family residential district, and RT-1 Tourist District.

(b) Home-based and common-area based assemblies are permitted, whether for social, religious, or other reasons, as an incidental accessory use to the principal residential use.

(c) Frequency of home-based and common-area based assembly uses. Assemblies that occur four (4) or more times per month for two (2) consecutive months will be deemed to be beyond the scope of the accessory use and shall not be permitted.

(d) Parking standard.

(1) Home-based assembly uses. A home-based assembly use which results in an additional eleven (11) vehicles being parked near the dwelling unit at each assembly will be deemed to be beyond the scope of the accessory use and shall not be permitted. Vehicles parked legally on the site of the home-based assembly, or upon another parcel pursuant to a lawful agreement with the owner of such parcel, shall not be counted toward the eleven (11) vehicles.

(2) Common-area based assembly use. A common area-based assembly use which results in an additional six (6) vehicles being parked near the common-area based assembly use will be deemed to be beyond the scope of the accessory use and shall not be permitted. Additionally, the parking demand created by such assemblies shall not exceed the supply of parking spaces provided within the shared guest or visitor parking areas allocated to common-area functions.

Section 12. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 13. Inclusion in the Code. It is the intention of the Town Commission, and it is hereby ordained that this Ordinance shall become and be made a part of the Town of

Surfside Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 14. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 15. Effective Date. This Ordinance shall become effective within 10 days from adoption on second reading.

PASSED and ADOPTED on First Reading the ____ day of _____, 2007.

PASSED and ADOPTED on Second Reading this ____ day of _____, 2007.

Charles W. Burkett, Mayor

Attest:

Beatris M. Arguelles, CMC
Town Clerk

Approved As to Form and Legal Sufficiency:

Lynn M. Dannheisser, Town Attorney

Moved
by: _____

Second
by: _____

Vote:

Mayor Burkett yes____ no____

Vice Mayor Weinberg yes____ no____

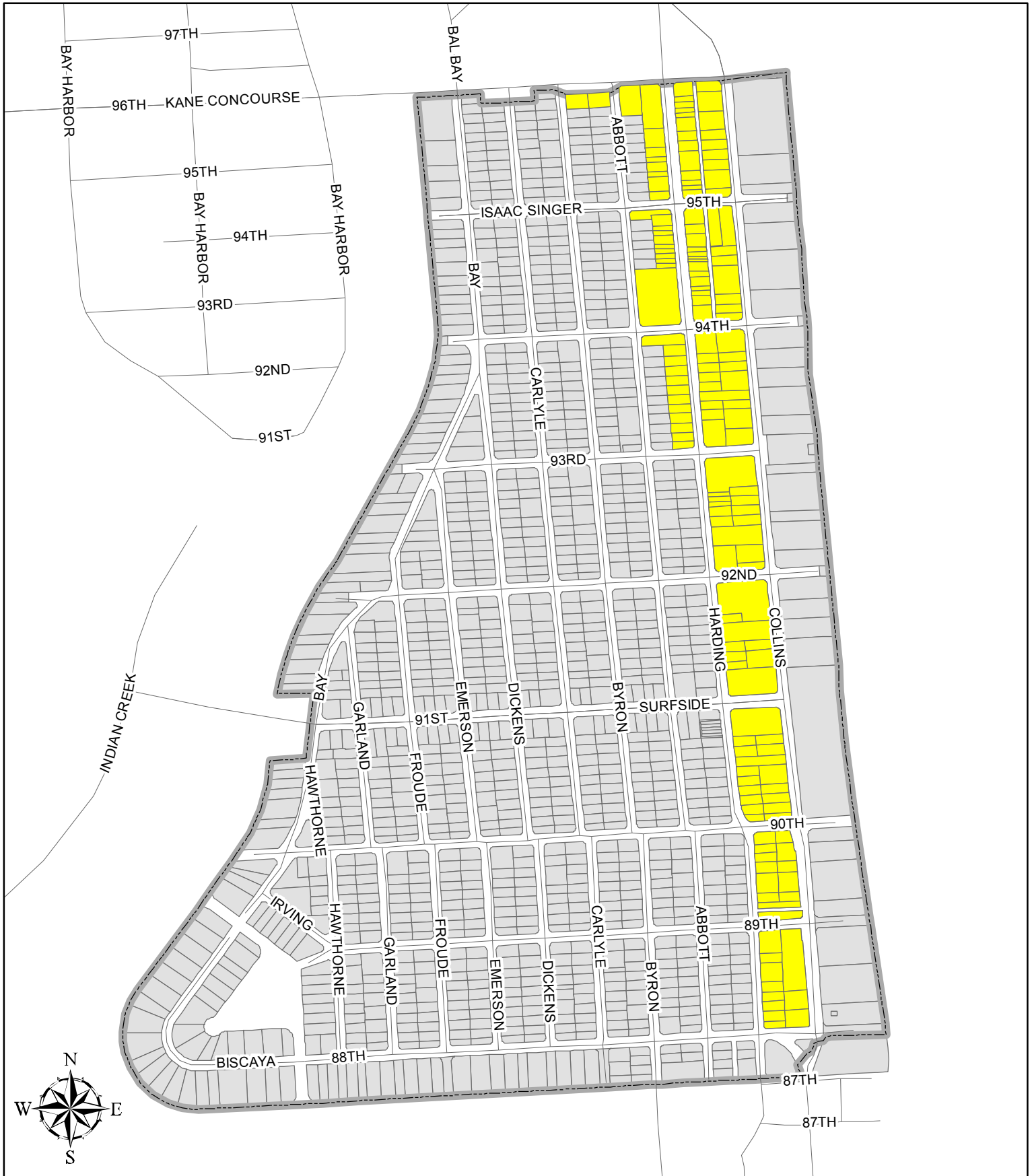
Commissioner Blumstein yes____ no____

Commissioner Imberman yes____ no____

Commissioner Levine yes____ no____



Figure 90-245



Item 3.A.2

Ordinance for Second Reading

GARAGE DOOR ORDINANCE

ORDINANCE NO. 07-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, ARTICLE IV “DISTRICT REGULATIONS”, SECTION 90-145 “RS SINGLE-FAMILY RESIDENTIAL DISTRICT” AND SECTION 90-146 “RS-1 AND RS-2 SINGLE FAMILY RESIDENTIAL DISTRICTS”; AMENDING CHAPTER 90 “ZONING”, ARTICLE V “SUPPLEMENTARY REGULATIONS”, SECTION 90-144(e) “YARDS GENERALLY, ALLOWABLE PROJECTIONS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town wishes to amend the code related to conversion of garages.

THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:

Section 1. **Recitals.** The above Recitals are true and correct and are incorporated herein by this reference.

Section 2. **Code Amended.** **Garage Conversions.** Section 90-145 “RS single-family residential district” and Section 90-146 “RS-1 and RS-2 single-family residential districts” of Article IV “District Regulations” and Section 90-177(e) of Article V “Supplementary Regulations,” of Chapter 90 “Zoning” of the Town Code are hereby amended to read as follows: ¹

Sec. 90-145. RS single-family residential district.

^{1/} Proposed additions to existing Town Code text are indicated by underline; proposed deletions from existing Town Code text are indicated by ~~strikethrough~~.

(b) *Permitted uses.* A building or land shall be used only for the following purposes:

(1) Detached single-family dwellings, subject to the following restrictions and limitations, as follows:

a. No structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed, structurally altered or maintained for any purpose which is designed, arranged or intended to be used or occupied for any purpose other than as a one-family residence, including every customary use not inconsistent therewith.

b. Every use not specifically authorized and permitted is prohibited and nothing herein shall authorize or be construed to permit the renting of a room or a portion of the property or improvement; or, to permit the use of any part of the premises as a business, office or establishment for the purpose of carrying on any business or the practice of rendering personal, trade or professional services, except as otherwise permitted by Section 90-250 entitled "Home Offices."

c. An accessory or subordinate building, attached or detached from the main premises in a single-family district, shall be construed to permit the use of such building for the purposes of garages, cabanas, storage and home workshops (non-commercial). However, nothing herein shall authorize or be construed to permit the occupancy or the use of any accessory building or structure, as a place of abode or dwelling, and no cooking facilities shall be permitted.

d. ~~No building or buildings shall be altered by adding an exterior door to such building or buildings, nor shall any addition be constructed to any building or buildings~~

~~which would add an exterior door; except that in the addition of an enclosed porch or Florida room, an exterior door may be installed on the wall facing the rear yard.~~ When a garage is converted for any other use, the garage door or doors shall be replaced by a solid exterior wall and access to the former garage area ~~shall~~ must be provided from the main premises, ~~only.~~ in addition to any other permitted access. At least one window shall be provided. It is intended hereby to prohibit and prevent any violation of the single-family classification and to minimize the burden upon the administrative forces of the town in policing and enforcing the provisions hereof. Changes to the appearance of the residence shall not constitute a change prohibited by Section 90-250 entitled "Home Offices."

e. If the exterior door of the garage conversion is no longer level with grade, stairs may be installed. The stairs shall be permitted to encroach no more than 24 inches into the side or rear setback.

Sec. 90-146. RS-1 and RS-2 single-family residential districts.

(b) *Permitted uses.* A building or land shall be used only for the following purposes:

(1) Detached single-family dwellings, subject to the following restrictions and limitations, as follows:

a. No structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed, structurally altered or maintained for any purpose which is designed, arranged or intended to be used or occupied for any purpose other than as a one-family residence, including every customary use not inconsistent therewith.

b. Every use not specifically authorized and permitted is prohibited and nothing herein shall authorize or be construed to permit the renting of a room or a portion of the property or improvement; or, to permit the use of any part of the premises as a business, office or establishment for the purpose of carrying on any business or the practice of rendering personal, trade or professional services; except as otherwise permitted by Section 90-250 entitled "Home Offices."

c. An accessory or subordinate building, attached or detached from the main premises in a single-family district, shall be construed to permit the use of such building for the purposes of garages, cabanas, storage and home workshops (non-commercial). However, nothing herein shall authorize or be construed to permit the occupancy or the use of any accessory building or structure, as a place of abode or dwelling, and no cooking facilities shall be permitted.

d. ~~No building or buildings shall be altered by adding an exterior door to such building or buildings, nor shall any addition be constructed to any building or buildings which would add an exterior door; except that in the addition of an enclosed porch or Florida room, an exterior door may be installed on a nonbearing wall facing the rear yard.~~
When a garage is converted for any other use, the garage door or doors shall be replaced

by a solid exterior wall and access to the former garage area ~~shall~~ must be provided from the main premises, ~~only.~~ in addition to any other authorized access. At least one window shall be provided. It is intended hereby to prohibit and prevent any violation of the single-family classification and to minimize the burden upon the administrative forces of the town in policing and enforcing the provisions hereof. Changes to the appearance of the residence shall not constitute a change prohibited by Section 90-250 entitled “Home Offices.”

e. If the exterior door of the garage conversion is no longer level with grade, stairs may be installed. The stairs shall be permitted to encroach no more than 24 inches into the side or rear setback.

(2) Public parks and playgrounds.

Section 90-177. Yards generally, allowable projections.

(e) In all districts except the RT-1 district, open, unenclosed building entrance porches, platforms, stairs or paved terraces, not covered by a roof or canopy, and which do not extend above the level of the grade or entrance floor of the building, may extend or project into the required front or side yard not more than six feet.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Inclusion in the Code. It is the intention of the Mayor and Town Commission of the Town of Surfside, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the Town of Surfside, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word “ordinance” may be changed to “section”, “article”, or other appropriate word.

Section 5. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective in ten (10) days after second reading.

PASSED and ADOPTED on First Reading the ____ day of _____, 2007.

PASSED and ADOPTED on Second Reading this ____ day of _____, 2007.

Charles W. Burkett, Mayor

Attest:

Beatris M. Arguelles, CMC
Town Clerk

Approved As to Form and Legal Sufficiency:

Lynn M. Dannheisser, Town Attorney

Moved by:_____

Ordinance No. 07-_____

Second by:_____

Vote:

Mayor Burkett	yes_____	no_____
Vice Mayor Weinberg	yes_____	no_____
Commissioner Blumstein	yes_____	no_____
Commissioner Imberman	yes_____	no_____
Commissioner Levine	yes_____	no_____

Item 3.A.3
Ordinance for Second Reading

**MODIFICATION OF B-1 DISTRICT –
FITNESS STUDIO ORDINANCE**

ORDINANCE NO. 07-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, ARTICLE IV “DISTRICT REGULATIONS”, SECTION 90-152 “B-1 BUSINESS DISTRICT” TO ALLOW HEALTH STUDIOS, HEALTH CLUBS, OR REDUCING SALONS TO BE OPERATED AS PERMITTED USES ON THE FIRST FLOOR LEVEL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town desires to amend Chapter 90 “Zoning”, Article IV “District Regulations,” Section 90-152 “B-1 Business District” to allow health studios, health clubs, or reducing salons to be operated as permitted uses on the first floor level, subject to the terms outlined below; and

WHEREAS, the Town Commission finds that this Ordinance is in the best interest of the Town; and.

THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:

Section 1. **Recitals.** The above Recitals are true and correct and are incorporated herein by this reference.

Section 2. **B-1 Business District Amended to Allow Health Studios, Health Clubs or Reducing Salons to be operated as Permitted Uses on the First Floor Level.** Section 90-

152 “B-1 Business District” of Article IV “District Regulations” of Chapter 90 “Zoning” of the Town Code are hereby amended to read as follows:¹

Sec. 90-152. B-1 business district.

(a) Purpose of the district. The purpose of the B-1 business district is to provide for retail shopping and personal service needs of the town's residents and tourists. It is intended to prevent uses and activities which might be noisy, offensive, obnoxious or incongruous in behavior, tone or appearance and which might be difficult to police.

(b) Permitted uses. No building or land within this district shall be used in whole or in part except for one or more of the following permitted uses:

- (1) Art agencies:
 - a. Antique shops.
 - b. Gift shops.
 - c. Art dealers.
 - d. Art supplies.
 - e. Photographers and camera stores.
 - f. Art and photograph galleries.
- (2) Bakeries, subject however, to the following restrictions and conditions:

^{1/} Proposed additions to existing Town Code text are indicated by underline; proposed deletions from existing Town Code text are indicated by ~~strike through~~.

- a. That no baking shall be done on the premises for other retail or wholesale outlets.
- b. That ovens or oven capacity is limited in total usable baking space, not to exceed in volume 18 standard pans of 18 by 26 inches in width and length.
- c. That adjoining properties shall be safeguarded and protected from exhaust fan or other obnoxious noises and odors at all times.
- d. That all baking will be done by the use of electric or natural gas (not bottled gas) ovens only.
- e. All machinery and equipment shall be entirely confined within the main building.
- f. That the hours of baking operation shall be limited to those hours between 6:00 a.m. and 9:00 p.m.
- g. That the entire store area shall be fully air-conditioned as required for comfort.
- h. That baking shall not be permitted within 20 feet of the store front, and shall be separated from the sales area by a partition or counter.

(3) Barbershops.

(4) Beauty parlors: Exterior windows on the ground floor shall be screened, curtained or otherwise made opaque four feet six inches from the grade of the adjacent sidewalk so as to block the view of the interior premises from the public right-of-way. However, such screening shall not be required where only hair styling and manicures are performed within 20 feet of the public right-of-way.

(5) Business and professional offices, except veterinary offices.

(6) Clothing stores and services:

- a. Men's, women's, children's clothing.

- b. Millinery.
 - c. Tailor.
 - d. Shoes.
 - e. Dry cleaning and laundry agency, provided all machinery which provides cleaning or laundry services shall be separated from customer areas by a partition or counter and no customers shall be permitted to use such machinery. In addition, all drycleaning machinery shall be nonventilated, sealed system type machinery in which "Fluorocarbon R-113" type solvents are used.
 - f. Furrier.
 - g. Shoe repair, provided no machinery for providing repairs shall be visible from the sidewalk or street and no shoe repair shop shall be permitted on Harding Avenue.
 - h. Dry goods.
- (7) Department stores.
- (8) Entertainment:
- a. Video tape sales and rentals, provided all tapes sold are prerecorded, and all tapes are rated either G, PG, PG-13, or R.
 - b. Caterers.
 - c. General ticket agencies.
 - d. Theatre and cinema.
- (9) Existing filling station on the unnumbered lot at the southwest corner of Block 4, Altos Del Mar No. 6.
- (10) Food products, provided that no sales shall be made through an open window to any street, alley, driveway or sidewalk:

- a. Delicatessens.
- b. Restaurants.
- c. Candy and nut shops.
- d. Grocery and meat stores or supermarkets, provided no live meat or poultry shall be kept on the premises.
- e. Confectionery and ice cream stores.
- f. Fruit shops.
- g. Liquor stores.

(11) General or special merchandise:

- a. Toys.
- b. Hardware, paint and wallpaper.
- c. Luggage.
- d. Office machines and supplies.
- e. Pet supplies.
- f. Stationery and greeting cards.
- g. Furniture, provided no repairing or servicing of furniture is permitted on the premises.
- h. Jewelry.
- i. Flowers and plants.
- j. Sporting goods.
- k. Drug stores and sundries.

- l. Cigars and tobacco.
 - m. Books and newspapers.
 - n. Appliances.
 - o. Pottery.
 - p. Interior decorator.
- (12) Locksmith, except on Harding Avenue.
- (13) Monetary services:
 - a. Banks.
 - b. Savings and loan associations.
 - c. Stock and bond brokers.
 - d. Currency exchange.
- (14) Music:
 - a. Sale of televisions, radios, phonograph and recording equipment.
 - b. Sheet music and musical instruments.
- (15) Public services:
 - a. Telegraph station.
 - b. Telephone exchange.
- (16) Travel agency.
- (17) Coin-operated machines. Coin-operated machines for dispensing goods or services are permitted, except that washing machines, dryers and other laundry-related equipment are prohibited. No coin-operated games of

chance are permitted, but coin-operated games of skill are permitted within establishments solely dispensing liquor, as defined in chapter 6, for consumption on the premises only; provided, however, that not more than three such games of skill are permitted in any such establishment, and that such games shall not be used for wagering nor for the awarding of prizes of any value.

(18) Health studio, health club, or reducing salon.

(18) 19. The following uses shall be permitted throughout this district, provided such uses shall be located above the first floor level:

- a. Dance or music instruction studios, provided such studios meet all of the following restrictions and conditions:
 - 1. That the premises be air conditioned and soundproofed.
 - 2. That no dance instruction or dancing shall be visible from any sidewalk, street or alley.
 - 3. That the opening and closing hours for such studios may be established by the town commission at its discretion at any time.
- b. Delivery service.
- c. Driving school offices, provided such use shall be limited to offices only, and shall not be interpreted in any manner as permitting the conduct of any such school's or schools' business, activities or functions upon the public streets of the town.
- d. Employment agencies, provided that such agencies maintain at all times sufficient office space to accommodate all applicants for employment using their services and obviate the congregating or loitering of such applicants in any hallway or on any sidewalk.
- e. ~~Health studio or club, or reducing salon.~~
- fe. Loan or mortgage office.
- gf. Medical or dental clinic.

- hg. Modeling school, language school, or athletic instruction.
 - ih. Private club or lodge hall.
 - ji. Radio or television station or studio.
 - kj. Secretarial service, mailing, bookkeeping, court reporter.
 - hk. Taxi agency.
 - ml. Title company.
- (c) *Permitted accessory uses in the B-1 district.* Any subordinate building or use which is clearly incidental to and customary in connection with the main building or use, provided there shall be no open storage of products and materials, including garbage and debris, on any lot.
 - (d) *Business conduct in the B-1 district.* All of the above uses permitted in the B-1 districts, other than off-street parking and the existing filling station, shall be conducted entirely within a completely enclosed building and for the purposes of this section, the display of merchandise shall be construed to be part of, and incidental to, the conduct of business.
 - (e) *Uses not specifically listed in the B-1 district.* Any use not included in the listing under subsection (b) of this section is prohibited. However, any use not listed above, but having the same general characteristics and of such nature that the same would not lower the standards of the area, may be permitted provided such use is granted a special use exception under the provisions of section 90-94.
 - (f) *Height, area and yard requirements in the B-1 district.* Maximum height regulations and minimum requirements for floor and lot area and for yards are contained in section 90-155.
 - (g) *Awnings, canopies or canopy valances in the B-1 district.* After the effective date of this section, no awnings, canopies or canopy valances shall be erected except those of the following colors: beige, black, blue, brown, green, grey, pink, red, white or yellow. No more than two of the foregoing colors shall be used in any one awning, canopy or canopy valance. No neon, fluorescent, "dayglo" or similar type of colors shall be used. All awnings shall be made of a cloth or plastic fabric.

Awnings or canopies shall not extend more than six feet over the public right-of-way, measured from the adjacent property line, and shall be at least eight feet in height above the pavement. Such awnings or canopies shall be entirely supported from the face of the structure they serve, and shall fully conform to all requirements of the South Florida Building Code.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Inclusion in the Code. It is the intention of the Mayor and Town Commission of the Town of Surfside, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the Town of Surfside, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 5. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective in ten (10) days after second reading.

PASSED and ADOPTED on First Reading the ____ day of _____, 2007.

PASSED and ADOPTED on Second Reading this _____ day of _____, 2007.

Charles W. Burkett, Mayor

Attest:

Beatris M.
Town Clerk

Arguelles,

CMC

Approved As to Form and Legal Sufficiency:

Lynn M. Dannheisser, Town Attorney

Moved by: _____

Ordinance No. 07-_____

Second by:_____

Vote:

Mayor Burkett	yes____	no____
Vice Mayor Weinberg	yes____	no____
Commissioner Blumstein	yes____	no____
Commissioner Imberman	yes____	no____
Commissioner Levine	yes____	no____

Item 3.A.4

Ordinance for Second Reading

CERTIFICATE OF USE ORDINANCE

Memo

To: Town Commission

From: Lynn M. Dannheisser, Town Attorney

Date: May 15, 2007

Subject: Certificate of Use Ordinance

This purpose of this memorandum is to outline the purpose of a certificate of use ordinance which is before you for consideration.

The certificate of use ordinance requires that businesses in the Town obtain a certificate of use prior to operation. The certificate of use ordinance gives the Town access to information regarding the business including a site inspection so that the Town can assist the owner in complying with all applicable laws and regulations.

The certificate of use ordinance is different from the certificate of occupancy ordinance in that the certificate of occupancy is issued by the Town Building Official and essentially certifies that the occupant is in compliance with the minimum standards of safety, as set forth in the Florida Building Code. This certificate of use is issued by the Town Manager and his/her designee, as appropriate, i.e., the Code compliance director, once it is determined after an annual inspection that the zoning use classification of any business, within any approved structure or building unit therein, is lawful. The CU becomes proof that the zoning use is met and all other provisions of the Code are met. If not, it gives the Town on a one on one basis, an opportunity to inform those businesses of their deficiencies/violations and an opportunity to correct. If they refuse, the cannot be open for business.

The expense of providing this service should be borne by fees paid by businesses.

ORDINANCE NO. 07-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CREATING DIVISION 6 “CERTIFICATE OF USE” OF ARTICLE II “ADMINISTRATION AND COMPLIANCE” OF DIVISION 90 “ZONING”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in the interest of the health, safety and welfare of the Town, the Town wishes to institute a process whereby a certificate of use is issued;

WHEREAS, the certificate of use will promote the health, safety and welfare of the Town by making businesses aware of unlawful activities occurring at their business.

THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:

Section 1. **Recitals.** The above Recitals are true and correct and are incorporated herein by this reference.

Section 2. **Code Compliance.** Division 6 “Certificate of Use” of Article II “Administration and Compliance” of Division 90 “Zoning” is hereby created to read as follows:

Division 6 “Certificate of Use”

Sec. 90-101. Title.

This division shall be entitled “Certificate of Use.”

Sec. 90-102. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BUSINESS

- A. Includes all vocations, occupations, professions, enterprises establishments, and all activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit or benefit, either directly or indirectly, on or from any premises in the Town.
- B. "Business" does not include the customary activities of religious, charitable, nonprofit service clubs and organizations, or educational nonprofit institutions as those terms are defined in Division 205, Florida Statutes, as may be amended.

CERTIFICATE OF OCCUPANCY — A document issued by the Town Building Official certifying that he/she reasonably believes a building, or part thereof, and its occupancy to be in compliance with the minimum standards of safety, as set forth in the Florida Building Code, prior to the building's occupancy and after its inspection and that said building is in conformity with all other applicable laws and regulations.

CERTIFICATE OF USE — A document issued by the Department after verifying with the Town Manager and his/her designee, as appropriate, that the zoning use classification of any business, within any approved structure or building or unit therein, is allowed, prior to its occupancy and after inspection of the premises and proof of compliance with all the requirements of the Town Code of Ordinances and all other applicable laws and regulations; provided, however, that no certificate of use shall be issued until it has been reviewed and approved by both the Town Manager and his/her designee, as appropriate, and the Department.

DEPARTMENT — The Code Compliance Department.

PERSON — Any individual, firm, partnership, joint venture, syndicate, or other group or combination acting as a unit, association, corporation, estate, trust, business trust, trustee, executor, administrator receiver or other fiduciary.

PLACE OF BUSINESS — Any structure used for the purpose of exercising the privilege of engaging in business within the Town limits.

SHALL — Shall is always mandatory and not merely directory.

STRUCTURE — Anything constructed or erected the use of which requires rigid location on the ground, or attachment to something having a permanent location on the ground, including

but not limited to buildings, individual units within a building, and trailers/construction trailers.

Sec. 90-103. Certificate of use required.

- A. It is hereby deemed unlawful for any person to open or operate any business and/or occupy any structure within the Town limits for the privilege of engaging in any business prior to obtaining the required certificate of use.
- B. No structure used for the purpose of exercising the privilege of doing business within the Town limits shall be used or occupied or any existing use enlarged, or any new use made of any land, body of water, or structure, without first obtaining a certificate of use therefor from the Department as may be required herein.
- C. The certificate of use shall be renewable annually for all existing, new, and future business use classifications on any land, body of water, and or in any structure including the individual units within said structure within the Town limits.
- D. A separate certificate of use shall be obtained for each place of business and for each corporation and/or legal entity within each place of business.
- E. It shall be the duty of every person owning, operating, or purchasing any business within the Town Limits to comply with the requirements of this division prior to opening any business and/or occupying structure.

Sec. 90-104. Term of certificate of use and transfer.

- A. No certificate of use shall be issued for more than one year, and all certificates shall expire on September 30 of each year.
- B. Certificates of use may be issued for a fractional portion of a year, but no certificate of use shall be issued for a fractional portion of a month.
- C. When there is a change of use, business, business ownership or business name the application for certificate of use shall be treated as new application.

Sec. 90-105. Due date for payment of certificate of use fee.

- A. Certificates shall be available for issuance by the Town, commencing on August 1 of each year. Both the renewal and renewal fee shall be due on October 1 of each year. If October 1 falls on a weekend or holiday, the fee shall be due and payable on or before the first working day following October 1. Those certificates not renewed by October 1 shall be considered delinquent and subject to a delinquency penalty of 10% for the month of October, plus an additional 5% penalty for each month of delinquency thereafter until paid; provided, that the total delinquency penalty shall not exceed 25% of the fee due.
- B. Any person exercising the privilege of engaging in or managing any business without first obtaining a certificate of use, if required under this division, shall be subject to a penalty of 25% of the fee determined to be due, in addition to any other penalty provided by law or ordinance.

Sec. 90-106. Fees.

Fees to be charged for the purpose of administering this division are hereby imposed as follows:

- A. The Department shall collect an origination fee of \$80. No origination fee shall be charged for a certificate of use to any business within the Town limits that has a current and appropriate certificate of use from Miami-Dade County or the Town, but the annual renewal fee shall be charged accordingly.
- B. The Department shall collect an annual renewal fee of \$35 for the renewal of existing certificates of use as issued herein.
- C. An application fee of \$10 shall be assessed for the processing of a new application for certificate of use.
- D. Inspections of the applicant's business premises shall be scheduled at the convenience of both the compliance officer/inspector and the business owner. If the business owner fails to be present at the time of the scheduled inspection or if the compliance officer/inspector is denied and/or unable to gain access to the business premises to conduct the requisite inspection, the business owner may be subject to being charged a reinspection fee of \$25 per reinspection at the discretion of the Department. Additionally, after three such attempts and/or denials of access to the premises the Department may pursue the revocation of any existing certificate(s) of use issued to the subject premises.

Sec. 90-107. Application procedures.

- A. Procedures for issuance. No certificate of use shall be issued or granted to any person or location to engage in any business type use named, identified or encompassed by this division unless:
 - (1) An application is filed with the Department on forms provided for that purpose, disclosing the following:
 - (a) The applicant's name and address.
 - (b) The name of the business for which a certificate is sought.
 - (c) The name and address of the owner and operator of the business and if a corporation, the names and addresses of each of its corporate officers and its resident or registered agent.
 - (d) The type or classification of the business and the relationship of the applicant to the business.
 - (e) The location in the Town where the business will be operated.
 - (f) The date of birth and driver's license number of the owner/operator and any applicable federal employer identification numbers.
 - (g) If the applicant is a corporation or partnership, the full name of the corporation or partnership and the state of incorporation. Applicant must submit a copy of the

articles of incorporation.

- (h) If the business is a corporation and is to be conducted under another name, the business name and county of registration under F.S. § 865.09. Applicant must submit a copy of the fictitious name registration.
 - (2) There has been a site inspection of the applicant's business premises.
 - (3) The Town Manager and his/her designee, as appropriate, has approved and assigned the zoning use classification.
 - (4) The Department has verified compliance with all applicable laws and regulations and has collected all applicable fees due to the Town.
- B. Legality of use. In the event there is a question as to the legality of a use, the Town Manager and his/her designee, as appropriate, may require affidavits and such other information s/he may deem appropriate or necessary to establish the legality of the use, before a certificate of use will be issued.
- C. Emergency locator. The application shall contain a section designated "emergency locator." The applicant shall fill out as part of the certificate of use application the names, business and residence addresses and residence and business phone numbers of the owner, and the manager or other persons to be notified in case of fire or other emergencies. Any changes in such information during the period for which the certificate of use is issued shall be made to the Department, in writing.
- D. Certificate number. All applications and certificates shall be assigned a number.
- E. Statement of accuracy. The application form shall contain the following language:
- "The undersigned has carefully reviewed this application and all information contained herein has been freely and voluntarily provided. All facts, figures, statements contained in this application are true, correct and complete to the best of my knowledge and belief. The applicant also acknowledges and understands that the issuance of a Town certificate of use is contingent upon a zoning compliance inspection and in conjunction with the issuance of a certificate of occupancy, and Town business tax receipt. Failure to comply with the Town's ordinances may result in revocation of said certificate of use."
- F. Name; signature. The applicant shall print and sign his name to the application immediately after the statement required in Subsection E above. In the case of a corporation, an officer shall be required to sign the application in his individual capacity and not solely as a corporate agent.
- G. Obtaining a certificate of occupancy prior to issuance of certificate of use. All businesses required to obtain a certificate of occupancy from the Town Zoning, Planning and Building Department pursuant to Section 307 of the Florida Building Code, must do so prior to the issuance of a certificate of use. Any certificate of occupancy issued by Miami-Dade County shall be honored by the Town, provided that the occupancy for which the certificate was

issued remains the same.

- H. State license, certification, registration required. All businesses and professions regulated by the state must submit a copy of their current state license, certification, and/or registration prior to the issuance of their certificate of use thereafter each year at time of renewal. Only the state license itself, or in the case of the state hotel and restaurant commission, the receipt issued by the state, shall constitute proof of current state license.
- I. Grease trap registration required. All restaurants are required to obtain a grease trap permit from the Miami-Dade County Department of Environmental Resources Management and shall provide a copy of said permit to the Department prior to the issuance of any certificate of use.
- J. Fire inspection required. All businesses that require an annual inspection from the Miami-Dade County Fire Department shall submit a copy of the county fire inspection report or any such form indicating that said business was inspected and passed the requisite inspection; prior to the issuance of any certificate of use.

Sec. 90-108. Grounds for denial.

- A. The Town Manager and his/her designee, as appropriate, shall have the authority to deny an application for a certificate of use on the following grounds:
 - (1) That the applicant has failed to disclose or has misrepresented a material fact or any information required by this division in the application.
 - (2) That the applicant desiring to engage in the business, as described in the application, has selected a proposed site or type of business activity, which does not comply with the Town's Zoning Ordinance or other laws of the Town.
 - (3) That the applicant has failed to obtain a certificate of occupancy as required by Section 307 of the Florida Building Code.
 - (4) The certificate of occupancy for the proposed business location has been denied, suspended or revoked for any reason.
 - (5) The issuance of a certificate of use is based on the applicant's compliance with specific provisions of federal, state, Town or county law, with respect to the specific zoning use, and the applicant has violated such specific provisions.
 - (6) The applicant has violated any provision of this division and has failed or refused to cease or correct the violation within 30 days after notification thereof.
 - (7) The premises have been condemned by the local health authority for failure to meet sanitation standards or the premises have been condemned by the local authority because the premises are unsafe or unfit for human occupancy.
 - (8) The applicant is delinquent in the payment of any certification fee imposed under this division; code compliance lien; special assessment lien and/or any other debt or obligation due to the Town under state or local law.

- (9) The applicant has been denied a Town business tax receipt, or the applicant's business tax receipt has been revoked within the last 12 months.
 - (10) The applicant fails to permit inspection by the Town as required and prescribed herein.
- B. Any person, whose application has been denied as provided herein in this division shall have the right to apply for a variance and/or public hearing. Such application shall be governed in accordance with any Town or local ordinance or law.

Sec. 90-109. Renewal of certificate of use.

- A. Renewed certificates will not be issued until all delinquent payments for any fee imposed under this division, code compliance lien, special assessment lien and/or any other debt or obligation due to the Town under state or local law has been paid in full.
- B. The Town shall endeavor to notify all certificate holders that their certificates of use are due for renewal. However, if such certificate holder does not receive a renewal notification, it is his/her responsibility to renew the certificate of use prior to October 1, to avoid delinquent charges.
- C. Any current certificate of use may, at the discretion of the Department, be renewed for each new certificate year without the need for a new application, provided the applicant signs the following certification:

"I the undersigned hereby certifies that the certificate of use for which I am now applying is one for a renewal of a current certificate of use which is now in full force and effect. I have not changed the authorized use of the premises nor have I made any physical or structural changes to the premises and do not plan to make any physical or structural changes to the premises."
- D. Any renewal application in which the applicant changes the authorized use of the premises or makes or proposes any physical or structural changes in the premises shall be reprocessed as if the certificate were a new application.

Sec. 90-110. Display of certificate.

Each certificate of use issued by the Town shall be displayed conspicuously at the place of business and in such a manner as to be open to the view of the public and subject to the inspection of all duly authorized officers of the Town. Failure to display the certificate in the manner provided for in this section shall subject the owner/operator to applicable code compliance procedures and/or any other remedies as permitted by law.

Sec. 90-111. Duties of Department.

- A. The Department, among other duties, shall collect all fees and shall issue certificates in the name of the Town to all persons or businesses qualified under the provisions of this division and shall:
 - (1) Verify that the applicant is in compliance with all applicable laws and regulations of the

Town as prescribed herein.

- (2) Investigate and determine the eligibility of any applicant for a certificate and/or the current status of any certificate as prescribed in this division.
- (3) Accept applications for certificates of use and review for completeness.
- (4) Inspect the applicants' premises for compliance with the applicable building codes identifying any necessary building permits and/or any building code violations.
- (5) Coordinate with Miami-Dade County Fire Department and the Department of Environmental Resources Management to obtain copies of respective approvals as necessary.

B. The Town Manager and his/her designee, as appropriate, shall among other duties:

- (1) Approve and assign the zoning use classification for each business premises.
- (2) Examine the books and records of any applicant or certificate holder when reasonably necessary for the administration and compliance of this division.
- (3) Notify any applicant of the acceptance or rejection of his application and shall, upon his refusal of any certification, at the applicant's request, state in writing the reasons therefor and deliver them to the applicant.

Sec. 90-112. Examination of records.

It shall be unlawful for any person and/or business to refuse to allow the Department to investigate and examine relevant records for the purpose of determining whether such person and/or business has a certificate and/or whether such person and/or business shall be issued a certificate.

Sec. 90-113. Approval of business location required.

No certificate of use shall be issued for any business until the zoning use classification of the business premises is first approved by the Town Manager and his/her designee, as appropriate; and the Department verifies that the applicant is in compliance with all applicable laws, and other regulatory ordinances of the Town.

Sec. 90-114. Lost or stolen certificates; issuance of duplicate.

A duplicate certificate of use shall be issued by the Town Manager and his/her designee, as appropriate, to replace any certificate or special permit previously issued which has been lost, stolen, defaced or destroyed without any willful conduct on the part of the certificate holder upon the filing by the certificate holder of an affidavit sworn to before a notary public of this State attesting to that fact. A duplication fee of \$10 shall be charged for each duplicate certificate.

Sec. 90-115. Obtaining certificate by false statement.

Any certificate of use obtained under the provisions of this division upon a misrepresentation of a material fact shall be deemed null and void and the certificate holder who was thereafter engaged in any business under such certificate shall be subject to compliance action for doing same without a certificate of use with the same effect and degree as though no such certificate had ever been issued.

Sec. 90-116. Illegal activity not approved by certificate.

The issuance or possession of a valid certificate of use obtained under the provisions of this division does not constitute an approval of any offense, illegal activity or act prohibited by law.

Sec. 90-117. Revocation of certificate of use.

The Department, in consultation with the Town Manager and his/her designee, as appropriate, is granted the authority and charged with the duty to revoke, refuse to renew or suspend any certificate of use as follows:

- A. A certificate of use issued under this division may be revoked, suspended, or renewal of said certificate refused on the following grounds.
- (1) The certificate holder has failed to disclose or has misrepresented a material fact or information required by this division in the application. If an intentional misrepresentation of a material fact is discovered.
 - (2) The certificate holder does not engage in the business as described in the application or has changed the use without authorization.
 - (3) The certificate holder allows the premises to be utilized for solicitation for prostitution, pandering, lewd and lascivious behavior, sale, distribution or display of obscene materials or conduct; sale or possession of any controlled substances or narcotics.
 - (4) The certificate of occupancy for the proposed business location has been denied, suspended or revoked for any reason.
 - (5) The issuance of a certificate of use is based on the applicant's compliance with specific provisions of federal, state, Town or county law and the applicant has violated such specific provisions including but not limited to violations of federal, state, or county criminal statutes, and/or violations of county and/or Town zoning, business tax receipts, and related ordinances.
 - (6) The applicant has violated any provision of this division and has failed or refused to cease or correct the violation after notification thereof.
 - (7) The premises have been condemned by the local health authority for failure to meet sanitation standards or the premises have been condemned by the local authority because the premises are unsafe or unfit for human occupancy.

- (8) The applicant is delinquent in the payment of any certification fee imposed under this division, code compliance lien, special assessment lien and/or any other debt or obligation due to the Town under state or local law.

B. Procedure.

- (1) The Department may revoke, refuse to renew or suspend any certificate of use on any grounds set forth herein. The Department shall issue a written notice of intent to revoke and/or suspend that shall set forth the grounds upon which the notice is issued, the corrections necessary for compliance, and the certificate holder's right to request an administrative hearing in front of the Town Special Master, and that said appeal must be taken within 30 calendar days of the service of said notice.
- (2) The 30 calendar days shall be considered a warning period during which the noticed certificate holder may come into compliance as required herein. If compliance is achieved within said warning period the Department shall void the revocation and the certificate holder shall dismiss any pending appeal.
- (3) The notice shall be sent certified mail, return receipt requested, to the address provided in the application or the last known address of the applicant. Alternate service may be made by delivery of the notice of hearing to the place of business and/or posting such notice thereon. If there is no appeal taken by the certificate holder as provided herein, the certificate of use shall be automatically revoked. Upon revocation of the certificate of use, the certificate holder shall immediately cease doing business in any location listed therein.
- (4) The request for hearing before the Special Master to appeal the revocation notice shall stay any compliance action and the certificate of use shall remain in effect unless, within the sole discretion of the Department, it is determined that the grounds for denial represent an immediate threat to the health, safety, and/or welfare of the public.

C. Scheduling and conduct of hearing.

- (1) At any time prior to the expiration of 30 days following the service of the notice of intent to revoke and/or suspend the certificate of use, the certificate holder may request in writing that the Department schedule a hearing on the basis that he/she wishes to appeal the pending revocation notice. The office of the Town Clerk, in consultation with the Town Special Master, shall set the matter down for hearing on the next regularly scheduled hearing date or as soon thereafter as practical, provided that the hearing date is not more than 45 calendar days from the date of the Town's receipt of the timely request for appeal. The certificate holder shall receive a minimum of 15 days' written notice of the hearing which shall set forth the time and place for the administrative hearing.
- (2) The hearing shall be conducted by the Special Master.
- (3) The proceedings at the hearing shall be recorded by the Town Clerk.

- (4) The hearing shall be conducted in an informal manner and the formal rules relating to evidence and witnesses shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Any relevant evidence shall be admitted if the Special Master finds it competent and reliable, regardless of the existence of any common law or statutory rule to the contrary.
- (5) Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witnesses regardless of which party first called that witness to testify; and to offer rebuttal to the evidence.
- (6) Requests for continuances will not be considered if not received by the Special Master at least seven calendar days prior to the date set for the hearing.
- (7) The proceedings at the hearing shall be conducted as follows:
 - (a) The Department shall present testimony in evidence.
 - (b) The certificate holder shall then present testimony in evidence.
 - (c) Each side shall have the right of cross-examination at the conclusion of the other's presentation.
 - (d) The Special Master shall have the right of inquiry.
 - (e) Each party shall have the right to present rebuttal evidence.
 - (f) Upon completion of the presentations, the hearing shall be closed, and the Special Master shall analyze the testimony and evidence of record and shall render a decision either affirming or denying the determination of the Department.
- (8) The decision of the Special Master shall be reduced to writing and copies thereof shall be furnished to the Department and certificate holder within five business days of the hearing.
 - (a) This decision may be appealed by writ of certiorari within 30 days of such written order to the Circuit Court.
 - (b) Upon the time period for such appeal having expired, and no such appeal having been filed, or upon the expiration of such appeal procedures resulting in the affirmation of the decision of the Special Master, the certificate shall stand automatically and immediately revoked and no new certificate shall be issued. Upon revocation, the certificate holder shall immediately cease doing business in any location listed therein.
- (9) No application for a certificate of use shall be considered by the Town until one year after the date of any revocation or nonrenewal.

Sec. 90-118. Right of inspection.

- A. Any person applying for or obtaining a certificate of use shall be subject to an annual

inspection of the place of business.

- B. For the purpose of enforcing the provisions of this division, code officials, inspectors, and compliance officers shall have the right of inspection provided that said inspection shall be reasonable and scheduled at the convenience of the applicant or certificate holder and the compliance officer or inspector. The office of the Town Attorney is hereby authorized to seek inspection warrants as necessary.

Sec. 90-119. Penalties for offenses.

Any person who violates any section of this division shall be subject to the issuance of a civil penalty in the amount of \$250 to be issued in accordance with the code compliance code.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Inclusion in the Code. It is the intention of the Mayor and Town Commission of the Town of Surfside, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the Town of Surfside, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 5. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective in sixty(60) days after second reading.

PASSED and ADOPTED on First Reading the ____ day of _____, 2007.

PASSED and ADOPTED on Second Reading this _____ day of _____, 2007.

Charles W. Burkett, Mayor

Attest:

Beatris M. Arguelles, CMC
Town Clerk

Approved As to Form and Legal Sufficiency:

Lynn M. Dannheisser, Town Attorney

Moved by: _____

Second by: _____

Vote:

Mayor Burkett	yes_____	no_____
Vice Mayor Weinberg	yes_____	no_____
Commissioner Blumstein	yes_____	no_____
Commissioner Imberman	yes_____	no_____
Commissioner Levine	yes_____	no_____

Item 4.A.1
Ordinance for First Reading

**PERSONNEL APPEALS BOARD RULES OF
PROCEDURE**

ORDINANCE NO. 07- _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 2 “ADMINISTRATION”, ARTICLE IV “OFFICERS AND EMPLOYEES” OF THE CODE OF THE TOWN OF SURFSIDE BY ADOPTING A NEW SECTION 2-151 “PERSONNEL APPEALS BOARD RULES OF PROCEDURE,”; PROVIDING FOR “SEVERABILITY”; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 31.1 of Article II “Town Commission” of the Town Charter (the “Charter”) provides that the Town Commission (the “Commission”) shall create rules of procedure for the Town’s Personnel Appeals Board as the Commission deems necessary from time to time; and

WHEREAS, The Commission desires to adopt the Personnel Appeals Board Rules of Procedure described below (“Personnel Appeals Board Rules of Procedure”); and

WHEREAS, Commission deems it in the Town’s best interest to adopt the Personnel Appeals Board Rules of Procedure.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. Code Amended. That the Town Code of the Town of Surfside, Florida, is hereby amended by creating a new Section 2-151 “Personnel Appeals Board Rules of Procedure,” of Chapter 2 “Administration,” Article IV “Officers and Employees.”

Sec. 2-151. Personnel Appeals Board Rules of Procedure.

The Commission hereby adopts the following rules of procedure for the Personnel Appeals Board (the “Board”):

Rule 1. Any employee of the Town, except the Town Manager, Town Clerk, Town Prosecutor, Town Attorneys and Town Judges who after being continuously employed by the Town for at least two (2) years (the “Employee”) and has been discharged or reduced in pay or rank without cause, may file with the Board a written appeal (the “Appeal”). The Appeal must set forth the facts regarding his/her discharge or reduction in rank or pay, allege that he/she has been continuously employed by the Town for at least two (2) years, and request a hearing. The Appeal must be filed by the Employee within twenty (20) days from his/her discharge or reduction in pay or rank. An Employee who has been

demoted for failure to satisfactorily complete a promotional probationary period to a higher rank or position shall not have the right to appeal to the Board.

Rule 2. Within fourteen (14) days after the filing of the Appeal, the Board shall give the Employee written notice, at his/her last known address, of the date set for the formal hearing of the Appeal (the "Hearing"). The date of the Hearing shall be no later than thirty (30) days after the date of the filing of the Appeal.

Rule 3. The purpose of the Hearing is to provide an informal forum for the presentation of information by the Town and the Employee to determine whether the Town had cause to discharge or reduce the Employee's pay or rank.

Rule 4. A quorum must be present at the Hearing. Four (4) members of the Board constitute a quorum.

Rule 5. At the beginning of the Hearing, the Board shall select a chairperson. Although a formal evidentiary hearing is not contemplated, rulings on objections and other questions of law shall be made by the chairperson, with the assistance of the Town Attorney. Only evidence material to the issue at hand shall be accepted by the Board.

Rule 6. At the Hearing, the Board shall be represented by the Town Attorney. The Town Attorney shall advise and assist the chairperson and the Board in the conduct of the hearing, including questions of law and evidence. Before making any ruling(s), the chairperson or any member of the Board may request the opinion of the Town Attorney.

Rule 7. The Town Manager, Department Head or other Town employee responsible for the discharge or reduction in pay or rank of the Employee shall present his/her evidence to support the action taken by or through him/her.

Rule 8. The Employee shall then have the right to present evidence to refute the charges brought against him/her.

Rule 9. The Board shall have the right to administer oaths; and the Board may, on its own motion or at the request of either party, call or subpoena any person or records for the purpose of ascertaining the facts.

Rule 10. Witnesses may be called to testify at the Hearing by either the Town or the Employee and their names shall be included on a witness list to be provided to the Board and the other party at least five (5) days prior to the Hearing.

Rule 11. The decision of the Board must be based on whether the Town's discharge or reduction in pay or rank of the Employee was for cause. In order for the Board to find the Manager or his designee acted without cause, the Board must find there was no basis for the adverse employment action. The Board shall then take one or more of the following actions: order a new hearing; dismiss the appeal on the merits; order the reinstatement of the employee, absolutely or on terms or conditions; or require such other action as may be just.

Rule 12. The decision of the Board, if concurred in by four (4) members, shall be binding upon the Town and the Employee and shall be recorded by resolution.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. It is intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Town of Surfside; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Conflicts. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED and ADOPTED on First Reading the ____ day of _____, 2007.

PASSED and ADOPTED on Second Reading this _____ day of _____, 2007.

Charles W. Burkett, Mayor

Attest:

Beatris M. Arguelles, CMC
Town Clerk

Approved As to Form and Legal Sufficiency:

Lynn M. Dannheisser, Town Attorney

Moved by: _____

Second by: _____

Vote:

Mayor Burkett	yes_____	no_____
Vice Mayor Weinberg	yes_____	no_____
Commissioner Blumstein	yes_____	no_____
Commissioner Imberman	yes_____	no_____
Commissioner Levine	yes_____	no_____

Item 6.A.1
Resolution

**POLICE CONFISCATION FUND
EXPENDITURE - \$5,000
TASER ACCESSORTIES**

RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COMMISSION OF
THE TOWN OF SURFSIDE, FLORIDA, PROVIDING
FOR THE FISCAL YEAR 2006/2007 POLICE
CONFISCATION FUND EXPENDITURE IN THE
AMOUNT OF FIVE THOUSAND DOLLARS
(\$5,000.00) TO BE FUNDED BY PROCEEDS OF
CONFISCATED FUNDS.**

WHEREAS, Florida Statute Section 932.7055, Florida Statutes, defines the purposes and procedures to be utilized for the appropriation and expenditure of Police Confiscation Fund; and

WHEREAS, the Chief of Police of the Town of Surfside has determined that such needs exist and is in compliance with Section 932.7055, Florida Statutes; and

WHEREAS, such funds are available in the Police Confiscation Fund – State of Florida;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Confiscation Fund Expenditures. Based on the attached certificate of the Police Chief, the Town Commission hereby approves the fiscal year Police Confiscation Fund expenditures for the Town of Surfside, a true and correct listing of which is set forth in Exhibit A.

Section 2. Effective Date. The Commission of the Town of Surfside hereby ordains that this Resolution shall become effective immediately upon adoption.

PASSED and ADOPTED this _____ day of _____ 2007.

Attest:

Charles W. Burkett, Mayor

Beatris M. Arguelles, CMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Lynn M. Dannheisser, Town Attorney

EXHIBIT A

**EXPENDITURE FOR TASER ACCESSORIES/WARRANTY FOR X26 TASER
ELECTRONIC CONTROL DEVICES - \$5,000.00**

AFFIDAVIT

I, DAVID E. ALLEN, Chief of Police of the Town of Surfside, do hereby certify that the aforementioned proposed request for expenditures from the Town of Surfside Confiscation Fund, for the 2006/2007 Fiscal Year budget complies with provisions of Section 932.7005, Florida Statutes.

Dated:

DAVID E. ALLEN, Chief of Police

Lynn M. Dannheisser, Town Attorney

Item 6.A.2
Resolution

**POLICE CONFISCATION FUND
EXPENDITURE - \$6,000
CITIZENS' POLICE ACADEMY**

RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COMMISSION OF
THE TOWN OF SURFSIDE, FLORIDA, PROVIDING
FOR THE FISCAL YEAR 2006/2007 POLICE
CONFISCATION FUND EXPENDITURE IN THE
AMOUNT OF SIX THOUSAND DOLLARS (\$6,000.00)
TO BE FUNDED BY PROCEEDS OF CONFISCATED
FUNDS.**

WHEREAS, Florida Statute Section 932.7055, Florida Statutes, defines the purposes and procedures to be utilized for the appropriation and expenditure of Police Confiscation Fund; and

WHEREAS, the Chief of Police of the Town of Surfside has determined that such needs exist and is in compliance with Section 932.7055, Florida Statutes; and

WHEREAS, such funds are available in the Police Confiscation Fund – State of Florida;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Confiscation Fund Expenditures. Based on the attached certificate of the Police Chief, the Town Commission hereby approves the fiscal year Police Confiscation Fund expenditures for the Town of Surfside, a true and correct listing of which is set forth in Exhibit A.

Section 2. Effective Date. The Commission of the Town of Surfside hereby ordains that this Resolution shall become effective immediately upon adoption.

PASSED and ADOPTED this _____ day of _____ 2007.

Attest:

Charles W. Burkett, Mayor

Beatris M. Arguelles, CMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Lynn M. Dannheisser, Town Attorney

EXHIBIT A

**EXPENDITURE FOR SURFSIDE CITIZENS POLICE ACADEMY SUMMER
SESSION AND FALL SESSION - \$6,000.00**

AFFIDAVIT

I, DAVID E. ALLEN, Chief of Police of the Town of Surfside, do hereby certify that the aforementioned proposed request for expenditures from the Town of Surfside Confiscation Fund, for the 2006/2007 Fiscal Year budget complies with provisions of Section 932.7005, Florida Statutes.

Dated:

DAVID E. ALLEN, Chief of Police

Lynn M. Dannheisser, Town Attorney

Item 6.A.3
Resolution

**APPOINTMENT TO FILL VACANCY ON
THE P&Z BOARD**

RESOLUTION NO. 2007-_____

**A RESOLUTION OF THE TOWN COMMISSION OF
THE TOWN OF SURFSIDE, FLORIDA,
APPOINTING _____ TO SERVE ON
THE TOWN PLANNING AND ZONING BOARD
SEAT NUMBER ONE UNTIL THE NEXT GENERAL
ELECTION DUE TO THE RESIGNATION OF THE
CURRENT MEMBER FOR THIS SEAT;
PROVIDING FOR IMPLEMENTATION; AND,
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on _____, Planning and Zoning Board Member James MacKenzie, resigned his position as a Town Planning and Zoning Board Member on Seat Number One.

WHEREAS, pursuant to Section 90-52 of the Town of Surfside Code of Ordinances, if a Planning and Zoning Board Seat becomes vacant, the Commission Member responsible for appointment of that Seat shall have the right to replace his or her appointment, subject to approval of a majority of the Commission;

WHEREAS, Vice Mayor Howard S. Weinberg, who originally appointed James MacKenzie to Seat Number One, now desires to appoint _____ to serve as his replacement on the Planning and Zoning Board for Seat Number One until the next general election.

WHEREAS, Town Commission desires to approve the appointment of _____ to serve as a Planning and Zoning Board Member on Seat Number One until the next general election.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That the foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Appointment. That Vice Mayor Howard S. Weinberg hereby appoints _____ to serve as a Planning and Zoning Board Member on Seat Number One until the next general election.

Section 3. Approval of Appointment. That the Town Council, by majority vote, has approved the appointment of _____ to serve as a Planning and Zoning Board Member on Seat Number One until the next general election.

Section 4. Implementation. That the Mayor and the Town Manager are authorized to take any and all action which is necessary to implement this Resolution.

Section 5. Effective Date. That this Resolution shall be effective immediately upon adoption.

PASSED and **ADOPTED** on this ____ day of _____, 2007.
Attest:

Charles W. Burkett, Mayor

Beatris M. Arguelles, CMC
Town Clerk

**APPROVED AND TO FORM AND
LEGAL SUFFICIENCY:**

Lynn M. Dannheisser, Town Attorney

Moved by:_____

Seconded by:_____

Vote:

Mayor Charles W. Burkett	____(Yes)	____(No)
Vice Mayor Howard S. Weinberg	____(Yes)	____(No)
Commissioner Mark Imberman	____(Yes)	____(No)
Commissioner Steven Levine	____(Yes)	____(No)
Commissioner Mark Blumstein	____(Yes)	____(No)

Item 6.A.4
Resolution

**WITHDRAWAL FROM MIAMI-DADE
FIRE RESCUE SERVICE**

DRAFT

RESOLUTION NO. 2007- ____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, TO WITHDRAW FROM THE MIAMI-DADE FIRE AND RESCUE SERVICE DISTRICT; TO ESTABLISH A TOWN FIRE DEPARTMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission (“Commission”) has conducted an evaluation of its current Fire and Rescue Service Program for purposes of determining whether it is utilizing its resources in the most cost effective and efficient manner for the Town; and

WHEREAS, the Commission has considered the presentation of its existing service provider, Miami-Dade County Fire and Rescue Service District as to its fire and rescue services and costs; and

WHEREAS, the Commission has considered the presentation of the City of Miami-Beach Fire Department as to its fire and rescue services and costs; and

WHEREAS, the Commission desires to withdraw from the Miami-Dade County Fire and Rescue Service District based on its careful consideration of the above presentations and its evaluation of the costs and benefits provided under each program; and

WHEREAS, the Commission desires to withdraw from the Miami-Dade County Fire and Rescue Service District and to establish its own fire department by contracting with the City of Miami Beach to operate the Town of Surfside’s Fire Department pursuant to rights established in the 1973 Agreement between Dade County and the Town of Surfside, a copy of which is attached as Exhibit “A” (“1973 Agreement”); and,

WHEREAS, alternatively, the Commission desires to preserve and exercise its rights to opt out of the Miami-Dade County Fire and Rescue Service District under Miami-Dade County Code, Article II, Section 18-30 “Municipal Option to Provide Alternative Service”) (“Miami Dade County Opt Out Ordinance”), if the Town is precluded from withdrawing from the Miami-Dade Fire and Rescue Service District by a court of law for whatever reason;

WHEREAS, in any case, the Commission may conduct a non-binding straw ballot of the Town’s citizens to obtain public input on its decision to withdraw from the Miami-Dade County Fire and Rescue Service District;

WHEREAS, the Commission had determined that it is in the best interests of the Town to withdraw from the Miami Dade County Fire and Rescue Service District and exercise its rights of municipal home rule authority in so doing;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That the above and foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Withdrawal Approved. The Commission hereby approves the Town's withdrawal from the Miami-Dade County Fire and Rescue Service District pursuant to the terms of the 1973 Agreement or alternatively, under the terms of the Miami-Dade County Opt Out Ordinance, if required by a court of law.

Section 3. Approval to Establish Town Fire Department. The Commission hereby authorizes the Town to establish its own Fire Department by and through the contracting of services to the City of Miami Beach to operate the Town Fire Department.

Section 4. Approval To Conduct Straw Ballot. The Commission authorizes the Town to conduct a straw ballot to obtain public input on its decision to withdraw from the Miami-Dade County Fire and Rescue Service District.

Section 5. Implementation. That the Mayor, the Town Manager, and the Town Attorney are authorized to take any and all action which is necessary to implement this Resolution.

Section 6. Severability. That the provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Resolution but they shall remain in effect, notwithstanding the invalidity of any part.

Section 7. Conflict. That all resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 8. Effective Date. This Resolution shall become effective immediately upon approval of the Town Council.

PASSED and ADOPTED on this 12th day of June, 2007.

Charles W. Burkett, Mayor

Attest:

Beatris M. Arguelles, CMC
Town Clerk

**APPROVED AND TO FORM AND
LEGAL SUFFICIENCY:**

Lynn M. Dannheisser, Town Attorney

Item 7.C.2

TOWN MANAGER'S REPORT
Sewer / Stormwater Improvements



TOWN OF SURFSIDE
Office of the Town Manager

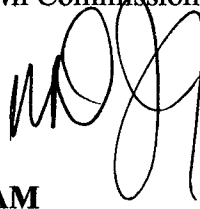
MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009
www.townofsurfsidefl.gov

W. D. HIGGINBOTHAM, JR.
Town Manager

Telephone: 305 993-1052
Facsimile: 305 993-5097
wdhigginbotham@townofsurfsidefl.gov

MEMORANDUM

TO: Honorable Mayor and Members of the Town Commission
FROM: W. D. Higginbotham, Jr., Town Manager
DATE: June 12, 2007
SUBJECT: SEWER REHABILITATION PROGRAM



On April 24, 2007, the Commission received a report on the Town's Utility Infrastructure. More specifically, the report included a status of the Town's Water System, Sewer System, and Stormwater System. The Commission also received material and a brief presentation from the State of Florida Department of Transportation (FDOT) regarding proposed Harding Avenue Pump Stations Improvements.

The proposed FDOT improvements were approved by the Commission at the May 15, 2007, Commission Meeting and re-affirmed by a majority vote at the May 24 Commission Meeting. On May 16, 2007, the Town completed a FY2008 Section 319 NPS Grant Application (submitted via FedEx on May 23) in the amount of \$500,000. A Grant Application in the amount of \$300,000 will be submitted to the South Florida Water Management District in the fall of 2007. The \$947,000 balance of the estimated project cost of \$1,747,000 would be proposed to be funded from the Surfside Stormwater Utility Fund.

Additionally, we have prepared a conceptual Sewer Rehabilitation Program (attached) in accordance with the Miami-Dade Municipal Code, Section 24-42-2(1) (a). The Sewer Rehabilitation Program (Plan) is divided into three phases. Phase I can be accomplished immediately and is relatively inexpensive and easy to implement. The estimated cost of Phase I is \$10,000, is briefly described in the attached Plan, and will bring the Town into partial compliance with DERM mandates .

It is my recommendation we proceed with the implementation of Phase I of the Sewer Rehabilitation Program at an estimated cost of \$10,000.

WDH/wdh

Attachment

TOWN OF SURFSIDE

Conceptual

Sewer Rehabilitation Program

Introduction

In accordance with the Miami-Dade Municipal Code, Section 24-42-2(1) (a), Sanitary sewer collection systems shall be evaluated in order to identify and reduce infiltration and inflow (I/I). A Sewer System Evaluation Survey (SSES) shall be implemented and, if required, a rehabilitation program in place to determine the sources of excessive (I/I), and to reduce flows to below acceptable levels as outlined in the U. S. EPA's Sewer System Infrastructure Analysis and Rehabilitation Handbook (October 1991). A previously submitted (SSES) study is being reviewed and reevaluated. DERM comments will be addressed and resubmitted for approval by June 17, 2007 as agreed during a conference call on May 17.

The approved SSES will propagate a Rehabilitation Program which provides for an effective and substantial compliance with the limited I/I. flows. The following is a prioritization of remedies that will be implemented to bring the sanitary sewer system into compliance.

Outline of the Plan

The Sewer Rehabilitation Plan will be divided into three phases. Phase I will be nearly instantaneous, relatively inexpensive and easy to implement. This will bring the town into partial compliance with the mandates from DERM. Phase II and III will complete the requirements as outlined in the SSES.

Phase I

Phase I can be completed with the very little material or labor. Previous reports show significant infiltration and inflow during the hurricanes and at High-high tides. For this reason, we suggest placing full dish gaskets on all manhole openings. In addition, any rain water leaders found to be attached to the sewer lines shall be disconnected from the sanitary sewer system. Any cleanouts that are open to the elements will also be capped. These last two suggestions should be at no cost to the city, as these are violations and the responsibility of the individual home owner.

Phase II

Phase II will be more intensive. This will involve locating all serious sewer problems using video cameras, smoke testing and other techniques to determine the sources of infiltration / inflow. All broken pipes will be repaired or lined, as determined by the analysis. Severely deteriorated manholes will be sealed with a "Supercoat" system or full liner.

Phase III

Phase III will consist of renovating the existing pump stations. The pumps and controls along with generators will be replaced.

Estimated Costs

Phase I	\$10,000
Phase II	\$750,000
Phase III	\$1,200,000

Post Phase Program

After the Phases have been implemented, the city should develop a continuing program to maintain the sewer system, consisting of:

- Smoke testing
- Replace leaking manholes and cleanout caps
- Raise manhole ring and cover assemblies where necessary
- Grout and seal manholes and gravity sewer pipe where necessary
- Lined gravity sewer pipe
- Inflow prevention devices for all new manholes

Item 7.C.3

TOWN MANAGER'S REPORT
Survey of Street Ends for Beach Path



TOWN OF SURFSIDE
Office of the Town Manager

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009
www.townofsurfsidefl.gov

W. D. HIGGINBOTHAM, JR.
Town Manager

Telephone: 305 993-1052
Facsimile: 305 993-5097
wdhigginbotham@townofsurfsidefl.gov

MEMORANDUM

TO: Honorable Mayor and Members of the Town Commission
FROM: W. D. Higginbotham, Jr., Town Manager
DATE: June 12, 2007
SUBJECT: SURFSIDE BEACH PATH SURVEY

On March 12, 2007, the Town Commission received a report on the proposed Surfside Beach Path. At the March 13, 2007, Commission Meeting the Commission requested the Town Manager proceed with developing a Request for Proposal (RFP) for the construction of the Beach Path. The Commission concluded it would be possible to address specific elements and related costs once proposals were received for the construction of the project.

In order to proceed with the final development of the RFP it is necessary to survey the street ends and the Eastern perimeter of the Town. Once survey work is completed it will be necessary to determine legal ownership of surveyed properties. The estimated cost for professional survey services is \$64,825.00 (attached).

It is my recommendation we proceed with the professional survey work necessary to complete the Request for Proposal for the construction of the Surfside Beach Path.

WDH/wdh

Attachment



Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS

May 10, 2007

Mr. W.D. Higginbotham, Jr.
Town Manager
Town of Surfside
Municipal Building 9293 Harding Avenue
Surfside, FL 33154

RE: Surfside Beach Walk Survey
CGA Proposal No. 07-1053

Dear Mr. Higginbotham, Jr.,

We are pleased to submit this proposal for Professional Services on the above referenced project located in the City of Surfside.

SCOPE OF SERVICES

Calvin, Giordano & Associates, Inc. will perform the following services based on our understanding of the project requirements:

I. Professional Surveying Services

- A. Delineate the Coastal Construction Control Line
- B. Delineate the Erosion Control Line
- C. Delineate the Bulkhead Line established by the City Ordinance and the physical location of the bulkhead at the end of the streets.
- D. Delineate the Mean High Water Line at the street extensions
- E. Delineate the elevation zero line at the street extensions
- F. Delineate the Collins Avenue Right of Way from 96th Street to 87th Terrace

Engineering
Construction Engineering
& Inspection
Municipal Engineering
Transportation Planning
& Traffic Engineering
Surveying & Mapping
Planning
Landscape Architecture
& Environmental Services
Construction Services
Indoor Air Quality
Data Technologies
& Development
Emergency Management
Services

1800 Eller Drive, Suite 600
Fort Lauderdale, FL 33316
Phone: 954.921.7781
Fax: 954.921.8807
www.calvin-giordano.com

- G. Delineate the Right of Way from Collins Avenue seaward for 96th Street, 95th Street, 94th Street, 92nd Street, 90th Street, 89th Street, 88th Street and 87th Terrace. Determine the most seaward limits of the Right of Way and establish the physical location of the bulkhead. Within each of the right of ways, produce three (3) cross sections, one at each edge and one in the center that runs east-west from the bulkhead to the seaward toe of the dune. Locate any large trees that exist within each Right of Way that are between the bulkhead and the top of the dune. Provide the elevation at Collins Avenue
- H. Delineate the edge of the property lines at the Community Center from the bulkhead seaward and produce three (3) cross sections, one at each property edge and one in the center that runs east-west from the bulkhead to the seaward toe of the dune. Locate any large trees that exist within the property that are between the bulkhead and the top of the dune.
- I. Produce four separate random cross sections from the property line seaward to the toe of the dune.
- J. Produce a design survey of the eight (8) street Right of Ways between Collins Avenue to the bulkhead, including any steps that it may have, that identifies the curb locations and any curb cuts, drainage inlets, existing vegetation, fire hydrants, decorative walls/planters or structures, and any building edges or overhangs that intrude in the Right of Way

BASIS OF PROPOSAL

- Calvin, Giordano & Associates, Inc. is performing the surveying services set forth in this Agreement strictly as a professional consultant to CLIENT. Nothing contained in this Agreement shall create any contractual relationship between Calvin, Giordano & Associates and any contractor or subcontractor performing construction activities on the project, or any of CLIENT's other professional consultants.
- Calvin, Giordano & Associates, Inc. will ensure that all consultants carry proper insurance, including professional liability insurance, if appropriate.

ADDITIONAL FEES

The following services are NOT included in this proposal and will be considered Additional Services, which will be addressed in a separate contractual agreement. The services include but are not limited to:

- Professional services required due to conditions different from those itemized under the Scope of Services or due to events beyond the control of Calvin, Giordano & Associates, Inc.

REIMBURSABLE EXPENSES

Calvin, Giordano & Associates, Inc. and its consultants will be reimbursed for the printing of drawings and specifications, deliveries, Federal Express services, required travel time and travel expenses, long distance telephone calls, fax transmittals, postage, fees paid for securing approval of authorities having jurisdiction over the project, renderings, models and mock-ups required by CLIENT, as required. Reimbursable expenses and sub-consultant invoices will be billed directly to the CLIENT at a multiplier of 1.25.

MEETING ATTENDANCE

Due to the difficulties of predicting the number or duration of meetings, no meetings other than those listed above, are included in the Schedule of Fees shown below. Preparation for and meeting attendance, as necessary, will be provided on a time and materials basis and will be billed at the standard hourly rates in accordance with the attached Hourly Rate Schedule.

SCHEDULE OF FEES

Calvin, Giordano & Associates, Inc. will perform the Scope of Services for a lump sum fee as shown in the proposed Schedule of Fees:

PROPOSED SCHEDULE OF FEES		
I	Professional Surveying Services	\$64,825.00
II	Meetings not included in I thru I	Hourly
TOTAL (Plus Hourly Services)		\$64,825.00

TERMS OF THE AGREEMENT

- Calvin, Giordano & Associates, Inc. agrees to indemnify, hold harmless and, at CLIENT's option, defend or pay for an attorney selected by CLIENT, to defend CLIENT, its officers, agents, servants, and employees against any and all claims, losses, liabilities, and expenditures of any kind, including attorney fees, any appellate attorney costs, court costs, and expenses, caused by, arising from or related to any acts, omissions or negligence of Calvin, Giordano & Associates, Inc.
- Calvin, Giordano & Associates, Inc. is preparing and providing drawings, plans, specifications and other documents as outlined in the scope of services for this Agreement for use in the construction of this project, based upon design and construction criteria prepared and provided by others, including but not limited to the CLIENT and CLIENT's consultants. Calvin, Giordano & Associates, Inc. is not responsible for any errors and omissions in the aforesaid design and construction criteria provided by others.
- CLIENT agrees to indemnify, hold harmless and, at Calvin, Giordano & Associates, Inc.'s option, defend or pay for an attorney selected by Calvin, Giordano & Associates, Inc., to defend Calvin, Giordano & Associates, Inc., its officers, agents, servants, and employees against any and all claims, losses, liabilities, and expenditures of any kind, including attorney fees, any appellate attorney costs, court costs, and expenses, caused by, arising from, or related to any acts, omissions or negligence of CLIENT or its consultants.
- CLIENT agrees to limit Calvin, Giordano, & Associates, Inc.'s liability for any and all claims that CLIENT may assert on its own behalf or on behalf of another, including but not limited to claims for breach of contract or breach of warranty, to the amount of fees paid to Calvin, Giordano & Associates, Inc. pursuant to this Agreement.
- Drawings, specifications, and other documents and electronic data furnished by Calvin, Giordano & Associates, Inc. in connection with this project are instruments of service. All original instruments of service shall be retained by Calvin, Giordano & Associates, Inc. and will remain their property, with all common law, statutory and other reserved rights, including copyright, in those instruments. This information provided in the instruments of service is proprietary and will not be shared with others without prior written consent. The CLIENT may request reproducible copies, and all original documents upon payment of all outstanding invoices, and expenses.

- Invoices for work accomplished to date will be submitted monthly and are payable within thirty (30) days. The CLIENT will pay invoices upon receipt and understands interest charges of 1.5% per month will be applied to any unpaid balance past thirty (30) days. Calvin, Giordano & Associates, Inc. may elect to stop work until payment is received. If work is stopped for thirty (30) days or more, Calvin, Giordano & Associates, Inc. may request compensation for start-up costs when work resumes.
- The CLIENT or their representative shall be available to meet with Calvin, Giordano & Associates, Inc. and provide decisions in a timely manner throughout the course of the project. The CLIENT will provide all plans and other pertinent information, which are necessary for Calvin, Giordano & Associates, Inc. to provide complete professional services as outlined in this contract.
- The terms of Agreement shall be valid for the Client's acceptance for a period of thirty (30) days from the date of execution by Calvin, Giordano & Associates, Inc. after which time this contract offer becomes null and void if not accepted formally (evidenced by receipt of an executed copy of this document). All rates and fees quoted in this document shall be effective for a period of six (6) months, after which time they may be renegotiated with the CLIENT.

MISCELLANEOUS PROVISIONS

- CLIENT and Calvin, Giordano & Associates, Inc., respectively, bind themselves, their partners, successors, assigns, and legal representatives to the other party to this Agreement and to the partners, successors, assigns, and legal representatives of such other party with respect to all covenants of this Agreement. Neither CLIENT nor Calvin, Giordano & Associates, Inc. shall assign this Agreement without written consent of the other.
- This Agreement represents the entire and integrated agreement between the CLIENT and Calvin, Giordano & Associates, Inc. and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both Calvin, Giordano & Associates, Inc. and the CLIENT.
- Unless otherwise provided, this Agreement shall be governed by the law of the place where the project is located.

TERMINATION OF THE AGREEMENT

- This Agreement may be terminated by either party upon not less than seven (7) days written notice should the other party fail substantially to perform in accordance with the terms of this Agreement through no fault of the party initiating the termination. Failure of CLIENT to make payments to Calvin, Giordano & Associates, Inc., in accordance with this Agreement, shall be considered substantial nonperformance and cause for termination.

- In the event of termination in accordance with this Agreement or termination not the fault of Calvin, Giordano & Associates, Inc., Calvin, Giordano & Associates, Inc. shall be compensated for services properly performed prior to receipt of notice of termination, together with Reimbursable Expenses then due.

We appreciate the opportunity to submit this proposal. Calvin, Giordano & Associates, Inc. is prepared with the necessary manpower to proceed with the proposed scope of services upon receipt of the executed authorization. Our personnel are committed to completing the project in a timely manner. Please indicate your acceptance of this proposal by signing below and returning one executed copy of the contract to this office. We look forward to working with you in making this project a success.

Sincerely,

CALVIN, GIORDANO & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Joe Aldacosta", written in a cursive style.


Joe Aldacosta

Senior Associate, PSM

Cost of these services are \$64,825.00 Plus Hourly as noted in fee breakdown.

ACCEPTANCE OF CONTRACT

CALVIN, GIORDANO & ASSOCIATES, INC.

By:  Date: 5/10/07
Name: Joe Aldacosta
Title: Senior Associate, PSM

By: _____ Date: _____
Name: Mr. W.D. Higginbotham, Jr.
Title: Town Manager



Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS

PROFESSIONAL FEE SCHEDULE

Principal	200.00	Executive Assistant	70.00
-----------	--------	---------------------	-------

ENGINEERING

Associate, Engineering (VI)	175.00
Director, Engineering (V)	150.00
Project Manager (IV)	130.00
Resident Inspector	120.00
Project Engineer (III)	120.00
Engineer (II)	100.00
Jr. Engineer (I)	85.00
Senior CADD Technician Manager	100.00
CADD Technician	80.00
Traffic Technician	75.00
Permit Administrator	75.00
Clerical	70.00

DATA TECH DEVELOPMENT

Associate, Data Tech Dev.	150.00
GIS Coordinator	130.00
GIS Specialist	110.00
Multi-Media 3D Developer	90.00
GIS Technician	80.00
Sr. Applications Developer	
Private	160.00
Public	160.00
Applications Developer	
Private	120.00
Public	120.00
Network Engineer	130.00

CONSTRUCTION

Associate, Construction	150.00
Construction Management Director	120.00
Senior Inspector	90.00

EMERGENCY MANAGEMENT

Director	130.00
Planner	90.00
Jr. Planner	75.00

PLANNING

Associate, Planning	150.00
Director of Planning	130.00
Planning Administrator	120.00
Assistant Director	110.00
Planner	90.00
Jr. Planner	75.00

EXPERT WITNESS

Principal/Associate	300.00
Registered Engineer/Surveyor	250.00
Project Engineer	200.00

LANDSCAPE ARCHITECT

Associate, Landscape	150.00
Senior Landscape Architect	115.00
Environmental Administrator	110.00
Landscape Architect	100.00
Environmental Specialist	90.00
Landscape CADD Technician	80.00
Environmental Assistant	70.00

SURVEYING

Associate, Surveying	160.00
Hydrographic Survey Crew	325.00
G.P.S. Survey Crew	140.00
Survey Crew	125.00
Senior Registered Surveyor	130.00
Survey Coordinator	85.00
CADD Technician	80.00
Submeter G.P.S	65.00

MICROBIAL/INDOOR AIR QUALITY SERVICES

Sr. Environmental Scientist	100.00
Environmental Scientist	85.00

In addition to the hourly rates listed above, charges will include direct out-of-pocket expenses such as reproduction, overnight mail, and other reimbursables billed at a multiplier of 1.25.

Item 7.C.4

TOWN MANAGER'S REPORT
Historical Structures Survey

**TO BE DISSEMINATED UNDER
SEPARATE COVER**

Item 7.C.5

**TOWN MANAGER'S REPORT
General Consulting Engineering,
Planning, Building and CODE
COMPLIANCE SERVICES**

**TO BE DISSEMINATED UNDER
SEPARATE COVER**

Item 8.A.3

**DISCUSSION ITEMS
MAYOR BURKETT**

CODE RED WARNING SYSTEM

Beatris M. Arguelles

From: Charles W. Burkett
Sent: Wednesday, May 30, 2007 4:13 PM
To: SouperLady@aol.com
Cc: Beatris M. Arguelles
Subject: RE: Code Red Warning System

Hi Jack and Elise,

It's a great idea.

I will ask the clerk to add this onto the agenda for me and include your email as the foundation for the request. I will also ask our Clerk to inquire with Coral Springs as to the vendor etc. so I have the info for our discussion.

Thanks so much!

Charles

Charles W. Burkett
Mayor
The Town of Surfside
Town Hall
9293 Harding Avenue
Surfside, FL 33154
305-861-4863
www.townofsurfsidefl.gov

The Town of Surfside is a public entity subject to Chapter 119, Florida Statutes concerning public records. Emails are covered under such laws, subject to disclosure and are maintained as a public record.

From: SouperLady@aol.com [mailto:SouperLady@aol.com]
Sent: Wednesday, May 30, 2007 3:46 PM
To: mayor@townofsurfsidefl.gov
Subject: Code Red Warning System

Dear Mr. Mayor,


An article in the South Florida Sun-Sentinel about the City of Coral Springs' Code RED warning system (which is an automated telephone message system that attempts each resident's telephone number as many as three times and leaves a message) piqued my interest. Do we have any kind of similar warning system in our town? It seems like a great idea. We have lived in Surfside for over 50 years now and we don't recall ever having received a telephoned alert. It would be so useful to have "Boil Water" alerts following hurricanes or other outages as well as other warnings telephoned directly to our houses. Coral Springs uses the system to provide warnings for tornado activity, criminal activity, homeland security issues, missing people, evacuation orders and other such situations.

What do you think? By the way, have you made any progress on your proposal for Byron Avenue electronic gate openers for Surfside residents?

Thank you for your many efforts to improve our town.

Sincerely,
Jack and Elise Kratish

See what's free at AOL.com.



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Thanks again for visting, and please [contact us](#) with any questions or comments.

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